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Herrin Massacre Investigation Proceedings, 1202-1301

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Herrin Massacre Investigation Proceedings, 1202-1301

Keywords

Herrin, massacre, Illinois, strike, strike breakers, mine, miners, workers, America, steam, shovel, men, murders, investigation, committee, proceedings, 1923

Comments

This document is part of the partial transcript of the investigating committee proceedings, which were salvaged and microfilmed by unknown persons. Various sections of the proceedings have their own numeration system, and the microfilm does not provide information on the section/date to which the pages refer to. The digital file made available here was generated in exactly the same sequence as found in the microfilm. Each digital file consists of approximately 100 images of text, and should be read in sequence. **Given the poor quality of the original, full-text searches are not always reliable.**

A. Substantially, perhaps there are some omissions through courtesy to my superior officer.

Q. Do you remember now some omissions you made out of courtesy to your superior officer?

A. Some of the things he told me over the phone.

Q. Well, for example: "Let the damn fools go to it. Let them fight it out. Let them go to it? Anything else?

A. Well, that is practically all.

Q. Then, in your opinion, your report to the Adjutant General contains all that exactly happened at Herrin so far as your investigation is concerned?

A. Substantially, it is a fair synopsis of what happened.

Q. Now, at the time you phoned to the Adjutant General, as related in your last testimony here, after the last message, did you tell him at that time of the killing of the two miners?

A. Yes, sir.

Q. If your report to the Adjutant General does not show that, is that report correct in that particular?

A. I think that report will contain it. I believe it will.

Q. What is the fact whether the report shows it or not with reference to the killing?

A. I reported that two union men had been killed and I think that report shows it.

Q. Now, when you were making your investigation at Herrin at the mine and the situation surrounding the mine, did you permit your judgment to be controlled by the judgment of the State's Attorney or the Sheriff or Mr. Edrington, or those other men in the reports you made to the Adjutant General?

A. It seems as though the judgment of the State's Attorney and Sheriff, ~~in~~ my judgment are diametrically opposite.

Q. Did you permit your judgment to be governed by their opinions in the matter?

A. No, sir. I tried to analyze the situation myself and reported accordingly.

... told you in writing that he was the subject of the report?

A. No, sir. I did not.

Q. Have you that book of notes? I will ask you if you have any objection to turning these notes over to the Committee for whatever use they might put to them?

A. No, only I wish to retain that.

Q. We will guaranty that it be kept intact.

MR. IGOE: I do not think the Committee ought to take that book away from him.

CHAIRMAN: I think for the protection of the witness that this book ought to be entrusted to somebody.

COLONEL HUNTER: It is not that I distrust the Committee.

CHAIRMAN: All right. Now I want this into the record. Have you any objection to the Committee retaining this book for their information or for whatever use they might have on the guaranty they will return it to you in exactly the same form it is now?

MR. IGOE: I do not think that question ought to be put to the witness. Here is a man with certain original notes. He really has been put on trial throughout this entire state. I do not think this committee, or any other committee, ought to take away from him that thing which he says will substantiate the matter. I advise the Colonel right now to refuse to give it.

MR. PIERCE: Of course, under the law the Colonel would be obliged to give it up if the Committee wish it. While, of course, the Committee has the power to get anything that was made by anybody, if they want to use it, I do not know the purpose of it.

MR. IGOE: They have the right to take it away from him. They have no right to retain it.

MR. PIERCE: Oh, my yes.

MR. IGOE: Oh, my no.

MR. PIERCE: It could not hurt him any. He can entrust it.

COLONEL HUNTER: Understand me right on this. I do not mind giving it to the Committee. I do not want it lost.

Q. I think: I am not sure, but I think I lost it. He would not take it.

MR. MARTIN BRENNAN (Attorney for Colonel Hunter): As a personal attorney for the witness, I have advised the Colonel with reference to his own note book. That it is his own property. You may take photographic copies of it, but I desire, on behalf of the witness, that you do not ask to take his own personal notes. You may have it for any length of time, but the original notes I think the Colonel should not be asked, as a citizen, and when a hearing of this kind is on, I do not believe it would be just right to ask the Colonel to take from him the only document he has to substantiate his statements and clear himself. With all due respect to the committee.

CHAIRMAN: We can clear up this situation if you will say on request you will produce this book in its present form at any time the Committee may desire.

MR. BRENNAN: At any time and if this Committee will ask to have any vault in any bank in this city to keep it in, we will have it placed there immediately.

CHAIRMAN: We will leave it at that. Mr. Hunter, continuing with where you left off, will you relate what you did further with reference to this matter?

COLONEL HUNTER: Well, the Sheriff absolutely refused to take any official action. I was not receiving any cooperation from Adjutant General and I acted merely as an individual in an immadiatory manner or capacity, as best I could in the arrangement of that truce, but it seems as though the mob kept increasing all night long and they seemed to have forgotten the truce and it was not lived up to.

Q. Did you continue to make investigations there, to make investigations as to what the state of affairs was?

A. Yes, sir.

Q. Did you communicate your observations to the Adjutant General?

A. I did. My last report on Wednesday, I think, is at about

6 or 7 o'clock.

Q. What happened at that time?

A. The Adjutant General maintained all the way through that he could not or would not send troops until requested by civil authorities.

Q. What time of the day was that?

A. I think it was 6 or 7.

Q. Did you talk with the Adjutant General after that time?

A. No, sir.

Q. Did he call you on the phone and talk with you?

A. No, sir.

Q. Did you put in any telephone calls for him after that time?

A. No, sir, not until the next day.

Q. What did you do after 7 o'clock on the evening of Wednesday, June 21st?

A. I continued my efforts to locate the Sheriff, tried to induce him to take action to stop that fight and get him to ask for troops, and I did not see the Sheriff until 10:30 the evening.

Q. Is that the time you tried to induce him to call for troops?

A. Yes, did then and asked him to get his deputies and go to the mine.

Q. Before that this evening did you talk with anybody else at Marion or Williamson county with reference to having some one call for troops.

A. I did when I saw the Sheriff. I advised him.

Q. Who was present at that time?

A. There were several there. Mr. Thanton, Mr. Schafer.

Q. Who is Mr. Schafer?

A. One of the deputy sheriffs. Major Davis, Mr. Hugh Willis, Mr. Fox Hughes and I think Judge Hartwell.

Q. Do you remember what you said to the Sheriff?

A. Substantially, I told him what I knew had occurred during the day. Told him about the trucks, advised him to call on all

his available deputies and go with Major Davis and I to the mine that night and see that the truce was carried out. He said he was tired and worn out and preferred to wait and go Thursday morning and I suggested that we leave at 6 o'clock the next morning.

Q. What did you say to calling out troops?

A. I suggested that if he did not swearin deputies he should ask for troops.

Q. In your judgment, was the situation worse or better at 10 o'clock on the night of Wednesday, than it was at 7 o'clock?

A. Well, that is a difficult question to answer. A truce had been arranged and I did not know whether it would be observed or not.

Q. Did you believe it would be observed from the conditions that you noted?

A. I arranged that truce in good faith and I had hopes that it would be observed.

Q. Did you believe that it would be observed?

A. I was a little shaky.

Q. Did you communicate to the Adjutant General that you thought the truce would be observed?

A. No, I did not.

Q. If, in your opinion, the truce had been observed, would there ~~it~~ have been any necessity for troops, in your judgment?

A. If it had been observed, there would have been no necessity for troops.

Q. Did you, at that time, believe that the truce would be observed that you had arranged?

A. I was a little skeptical of it. To be on the safe side I wanted the Sheriff to take some deputies and go out there.

Q. This was at 10 o'clock?

A. 10:30.

Q. What happened after that?

A. After that we adjourned, went back to the Sheriff's office, sat around and tried to get reports the next day morning. 2 in the morning. Day morning.

Q. Tried to get reports?

A. From the mine.

Q. Did you get any reports?

A. People coming back and forth gave us some.

Q. Did you attempt to call the mine by phone?

A. I did but the telephone wires had been cut.

Q. During any of these conversations or meetings with Mr. Edrington or the State's Attorney, did you suggest to them that they should put in a call for troops inasmuch as the Sheriff had refused to do so?

A. I did not suggest that to Mr. Edrington, no sir. I suggested it to the State's Attorney that the Sheriff should.

Q. After the time the Sheriff had refused to call the troops or put any request for them, did you try to get anybody else to do so?

A. No, sir, I did not.

Q. Do you know what the law is?

A. Any citizens can request troops.

Q. Do you know whose duty it is if the Sheriff refuses to call the troops?

A. It is the duty of any officer or citizen or group of citizens.

Q. What officer do you have reference to?

A. The Deputy Sheriff, Coroner or State's Attorney.

Q. At that time did you believe it was necessary, before troops could be called, that request come from the official authorities?

A. Well, there seemed to be some argument on that question. I was not right clear on it but I did not think that was the case.

Q. Did you believe, at that time, that you could have sent in the request for troops, yourself?

A. Yes, sir. I did.

Q. After 7 o'clock, on the night of Wednesday, the 21st, when did you next talk with Adjutant General Black?

A. The next day, I think, about 10 or 11 o'clock.

Q. What had you done in the meantime?

A. You are talking about Thursday, the 22d, aren't you, the day of the massacre?

Q. Yes.

A. Thursday morning I went to the Sheriff's office at 6 o'clock to find the Sheriff to go to the mine and he did not show up at his office. I could not find him until 8:30.

Q. Was there anybody in the office when you called there at 6 o'clock?

A. No, sir, no one.

Q. Was anybody with you?

A. Major Davis.

MR. IGOE: Had you arranged to meet the Sheriff that morning?

A. The arrangement was to meet at the Sheriff's office at 8 o'clock. I had suggested to him 5 or 6 o'clock Thursday morning but he said 8 o'clock would be soon enough and that was the date he said to meet at his office.

MR. IGOE: You were going to meet at his office and from there go to the mine?

A. With some deputies.

Q. If I understand it, the men were going to come out under this flag of truce?

A. Yes, sir, be escorted to Herrin, loaded on a train and sent out of the county.

CHAIRMAN: Q. You had arranged for that?

A. That was our plan.

Q. Had any notice been given to the miners or to the mine officials?

A. Yes.

Q. To whom was that communicated?

A. I advised McDowell personally, and, also, Mr. Lester.

Q. Just what was the understanding you had with them?

A. That was the understanding, that at 8 o'clock the union officials would meet with the other officials and go to this mine to carry out the truce.

Q. When was that arrangement made?

A. In the office of the State's Attorney Wednesday ~~morning~~ ^{evening}.

Q. About what time?

A. It was 10:30 when I got there and we were there about one hour and a half.

Q. It was between 10:30 and 12?

A. Yes, sir.

Q. Was McDowell there?

A. No, sir.

Q. How did you communicate with him?

A. I sent word out to the mine. I had talked to him early in the evening and he refused stating he preferred to wait and go next morning in daylight.

Q. And you communicated with him then to the effect that at 8 o'clock they remove the non-union men from the mine?

A. No, I did not communicate that 8 o'clock to McDowell, no, sir.

Q. Was that the arrangement you had there?

A. In the office.

Q. How did you communicate that arrangement to Mr. McDowell, the Superintendent?

A. The truce was arranged with Mr. McDowell before the telephone lines were cut.

Q. How did you get word to him that this ~~truce~~ was to be carried out at 8 o'clock next morning.

A. I did not talk with Mr. McDowell after our conference in the State's Attorney's office.

Q. How did he know then this arrangement was to be carried out?

A. I do not suppose he knew the minor details.

Q. You started to say you sent some one out.

A. There were fellows coming back and forth and we told them that the union officials agreed to this truce and we would be out in the morning.

Q. Did you tell them the time?

A. I cannot say, but I suppose I did.

Q. Do you know of any person that you told that to?

A. No, sir, I just told it promiscuously.

Q. Was anybody with you when you communicated that to the miners?

A. Perhaps there were. Mr. Edrington or Major Davis were with me all the time.

Q. You stated that the next morning you went to the Sheriff's office at 6 o'clock and did not find him in?

A. Yes, sir.

Q. What did you do then?

A. We looked around on the public square for the Sheriff and finally found him at 8:30 walking across the square. We got in the car, Major Davis and I with the Sheriff and Deputy Schaffer and went to the mine. We arrived at the mine and learned that the non-union men had surrendered, supposedly in accordance with the truce and had marched down the road in the direction of Herrin. I imagine we arrived at the mine about 8:45 or 9 o'clock, in the neighborhood of that and after we arrived at the mine the mob was rapidly increasing and they were streaming into the mine, destroying property, trying to burn cars, setting fire to practically everything that would burn, and we began to try to get the fellows to stop the wrecking of the property and burning of cars. About the time we were doing that this killing was going on ~~the~~ in the woods a little prior to this time. Perhaps a little earlier than that time.

Q. What killing do you refer to?

A. The killing in the woods.

Q. How far was that from where you were at the mine?

A. I would say almost three miles.

Q. On the evening of the 21st did the Sheriff know of this truce and the arrangement that had been made to take the miners out?

A. He knew of the truce.

Q. Was he present when the truce was made?

A. No, sir, he was not. He was in Carbondale when the truce was made.

Q. Who was present when you told him the terms of the truce that had been arranged?

A. Major Davis, Mr. Hugh Willis, Mr. Fox Hughes.

Q. They were with you when you told the Sheriff?

A. Yes, sir.

Q. Do you know what ~~the~~ time the killing took place on the 22d?

A. In my opinion it was between 8 and 9 o'clock in the power house woods as was referred to. McDowell was killed earlier than that.

Q. On the morning of the 22d had you communicated with the Adjutant General?

A. No, sir, I did not.

Q. Prior to 8:30?

A. No, sir.

Q. Did he communicate with you?

A. No, sir.

Q. Had you talked with him?

A. No, sir.

Q. Did you talk with any one in the office at Springfield?

A. No, sir.

Q. Did you send any message to the Adjutant General in any shape or form prior to 8:30?

A. No, sir.

Q. And did you get any message directly or indirectly from the Adjutant General?

A. Prior to 8:30, Thursday morning, June 22d, no sir.

Q. What was your first communication on June 22d to the Adjutant General or his office?

A. I put in a call to the Adjutant General at 11 o'clock A.M. and talked at 11:15. After I had been out at the mine, I left the mine, went back to Marion to tell him that the non-union men had surrendered to the union men and were on their way to Herrin to be sent out of the county in accordance with the truce, and at that time the General told me that he had received word that several of them had been killed on the march to Herrin.

Q. Did you know at that time that the non-union men had surrendered to the union men and were being marched out of the county?

A. Iknew it as soon as I got out at the mine.

Q. How did you know it?

A. They were gone and fellows told me.

Q. Who told you?

A. I do not know, 12 or 15 hundred fellows there.

Q. Major Davis was with you, anybody else?

A. Sheriff Thaxton and Mr. Schaffer.

Q. What inquiry did you make at that time?

A. I asked several fellows where the non-union employees were and we got the information from them that they had surrendered and were marching on to Herrin to leave the county.

Q. Did you make any further investigation before you went back to Marion?

A. I tried to stop a large crowd from setting fire to the cars.

Q. Did you make any other investigation?

A. I went all over the mine, found broken machinery.

Q. What reports did you have as to the killing at the time you returned to Marion?

A. I did not have any authentic reports.

Q. Did you have any reports?

A. I had rumors. Well, I remember one rumor distinctly that two hundred men had been killed. That was an impossibility as there was only something like 80 employees.

Q. Who gave you that rumor?

A. I could not say.

Q. Did you talk that rumor over with Major Davis?

A. I suppose I did.

Q. Did you investigate that rumor?

A. We were continually investigating.

Q. What did you do in the way of investigating that rumor?

A. There was only one way to investigate and that was to make inquiries.

Q. From whom did you make inquiries?

A. I do not know. I do not know all of the people.

Q. The Committee wants to know just what you did when you heard a rumor that two hundred people had been killed.

A. We probably asked some one in the crowd.

Q. How many people did you ask about that?

A. I will not attempt to say. I do not know.

Q. What answer did they give you?

A. Some would say yes, some would say no, and some did not know.

Q. Did you undertake to find out whether or not the killing had taken place with reference to the rumor?

A. I knew it was not the mine because I had left the mine.

Q. What further did you do with reference to investigating any rumors other than you have now stated?

A. After I returned to Marion from the mine I called the Adjutant General and he told me he got the report that some of these men had been killed enroute to Herrin, so that Major Davis and I and Judge Hartwell, I think, got in the car and drove over this route taken by the union men with their prisoners and made an investigation.

Q. What time of the day was that?

A. I might say that was 11:30 or 12 o'clock.

Q. At the time you talked with Adjutant General Black you did not know that any persons had been killed?

A. Not to my personal knowledge.

Q. Did you believe any persons had been killed?

A. I do not know.

Q. Did you know any trouble had occurred between the union and non-union men?

A. No, sir, I did not have any reports. ~~Any rumors or the~~

Q. Any rumors that you had had had come from such unreliable information that you thought they were wild rumors?

A. I did not say that.

Q. At that time you did not believe the rumors?

A. I did not believe it had happened at the mine because I had just left the mine.

Q. Didn't you believe it had happened at any other place?

A. I could not say about that because I did not have any evidence.

Q. And you did not have sufficient confidence in the rumors you received to believe them?

A. I did not exactly disbelieve them.

Q. What we are trying to get is what was in your mind when you left that mine, went to Herrin, talked to Colonel Black.

A. When I left that mine to go back to Marion, my idea was to report to the Adjutant General that these men had surrendered and were on their way to Herrin to leave the county, and when I was talking to him he said he had just heard that some of them had been killed and asked me if it was true. I told him that I had not heard it but I would go back over the route taken by the union men and prisoners and make a report to him later, which I did.

Q. What did you do after that time?

A. We went over the road taken by the union men and their prisoners.

Q. By the way, where is that road with reference to Marion and the so-called Herrin mine?

A. That mine is located I would say about one-half way between Herrin and Marion.

Q. How far from Marion?

A. About four miles or four and one-half miles.

Q. Which ~~direction~~ from Marion did this trouble or this shooting and slaughter occur with reference to the Herrin mine?

A. I think west of the mine, between the mine and Herrin.

Q. And that would be how far from Marion approximately?

A. ~~Six~~ Approximately six miles, six and one-half miles.

Q. What did you find?

A. In driving along the road we found where Superintendent McDowell had been killed, where his body had lain by the road and we were told McDowell had been killed there. Then we drove on to the power house woods. We saw pools of blood on the ground near a barbed wire fence, and we were told men were shot down there. Then we drove on to Herrin, Illinois to the Morgue and viewed the dead bodies and the wounded in the hospital.

Q. Who was with you at this time?

A. Davis and Mr. Robert Medill.

Q. I mean when you went over the route.

A. Major Davis, Judge Hartwell and Mr. Paisley, I think.

Q. Did you make any further reports that day?

A. Yes, sir, I did. I called the General at 4:07 P. M. and talked at 4:44 P. M. and verified the report that there had been some men killed. I gave him the number as I heard them. Then I wired the Governor.

Q. When did you wire the Governor?

A. The 22d of June 22d?

Q. And what did you wire to him?

A. Here is a copy of the telegram which I sent to Governor

the 23rd day of June, 1922.

RE. PLEASE: Mark it Exhibit 5 of April 12.

Whereupon said telegram to Governor was marked "Exhibit 5 of ~~June~~ April 12, 1923 and made a part of the record)

A. (Continuing) as follows:

CLASS OF SERVICE DESIRED	
Telegram	
Day Letter	
Night Message	
Night Letter	

Patrons should mark an X opposite the class of service desired: OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Receiver's No.
Check
Time Filed

Send the following message, subject to the terms on back hereof, which are hereby agreed to

June 23, 1922.

19

To Governor Ian Small

Street and No. _____

Place Waukegan, Illinois.

I consider the crisis over and see no need for troops at this time. I think local authorities should have asked for troops before the rioting started. I did not consider at any time they would be able to meet the emergency consequences verify this belief. I have used every effort in a mediatory manner to prevent what occurred and have reported to General Black over phone at every opportunity the situation and the efforts made by me to avert the trouble. Sheriff advises me he will make every effort to apprehend guilty persons. Coroner's verdict not returned up to date.

SENDER'S ADDRESS
FOR ANSWER

SENDER'S TELE-
PHONE NUMBER

530 PM

CLASS OF SERVICE DESIRED	
Telegram	<input checked="" type="checkbox"/>
Day Letter	<input type="checkbox"/>
Night Message	<input type="checkbox"/>
Night Letter	<input type="checkbox"/>

Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

16 #16 1911 3
Form 1214

Receiver's No.
Check
Time Filed

Send the following message, subject to the terms on back hereof, which are hereby agreed to

To *Hon. Len Small, Governor*

Street and No.

Stat. House

Place

Springfield, Ill.

10 to 30 Deputies on duty. Everything done possible to Restore order and protect Property. Everything quiet, under complete Control at this time.

SENDER'S ADDRESS
FOR ANSWER

SENDER'S TELEPHONE NUMBER

William Thaxton, Sheriff

Marion, Ill. June 22 1911

ROBT. W. DAVIS, Manager

JOS. F. McGUIRE, Editor

Free Press Publishing Company

"Egypt's Leading Daily Paper"

Weekly Free Press Established 1875
Daily Free Press Established 1903
Associated Press Service

Carbondale, Illinois

Sept., 21st, 1922.

Up to date Job Department

A rumor has come to my attention to the effect that Colonel Hunter on Wednesday evening June 21st., 1922, called Adjutant General Black on the long distance telephone from the office of States Attorney Delos Duty advising General Black that troops would not be needed in Williamson county in connection with the Lester strip mine trouble, such a rumor is absolutely false I was with Colonel Hunter all the time he was in Mr Duty's office and left there when he left and I deny this false rumor in justice to Colonel Hunter.

Signed,

Robt W. Davis

Witness

Ray Rimmer

"June 22, 1923.

"Governor Len Small,
Jaukegan, Illinois.

I consider the crisis over and see no need for troops at this time. I think local authorities should have asked for troops before the rioting started. I did not consider at any time they would be able to meet the emergency. Consequences verify this belief. I have used every effort in a mediatory manner to prevent what occurred and have reported to General Black over phone at every opportunity the situation and the efforts made by me to avert the trouble. Sheriff advises me he will make every effort to apprehend guilty persons. Coroner's verdict not returned up to date.

(Signed) Samuel N. Hunter."

Q. Where there any other communications sent on the 22d if you remember?

A. Well, I have several here sent on the 22d and 23rd. I have a copy here of a telegram from the Sheriff to the Governor.

CHAIRMAN: Mark that Exhibit 6 of April 12, 1923.

(Whereupon said document was duly marked "Exhibit 6 of April 12th, 1923 and made a part of this record)

A. (Reading telegram)

"Marion, Illinois,
June 22, 1923.

"Hon. Len Small, Governor,
State House,
Springfield, Illinois.

20 to 30 Deputies on duty. Everything done possible to restore order and protect property. Everything quiet. Under complete control at this time.

(Signed) Melvin Thaxton, Sheriff."

MR. IGOE: What is the date of that telegram?

A. June 22, 1922, right after the riot.

MR. IGOE: How long have you been in the Illinois National Guard?

CHAIRMAN: Any other Exhibits you want to get in? Suppose we hold these exhibits.

COLONEL HUNTER: Here is something I would like to get in.

CHAIRMAN: What is the document you refer to? Mark it Exhibit 7 of this date.

(Whereupon said document, was duly marked Exhibit 7 of April 12, 1923 and made a part of this record)

A. This is a statement by Major Robert W. Davis of the 130th Infantry, stating as follows:



348-
April 12, 1923

Great Northern Hotel

OWNED AND OPERATED BY

THE NORTHERN HOTEL COMPANY

MANAGEMENT OF JOHN C. O'NEILL

Chicago, June 21, 1922.

Col. Sam Hunter,
Adjutant General's Office,
Springfield, Ill.

Dear Sir:

I take pleasure in enclosing copy of the letter I presented to the Sheriff of Williamson County at Marion, Illinois in your presence, June 19th. and you will note that I asked him to make some of our men deputies, but that he thought that was a bad move and impracticable.

You will remember also that I did not press this point but placed upon him the responsibility of our camp in the manner he sees most fit.

I have been in Chicago since Monday night but have heard of no demonstration or trouble of any kind around our camp or at Marion. I believe your promptness in visiting the camp has saved everyone a very vicious time. I certainly not only appreciated your presence at Marion but the very delicate and masterful way in which you handled the situation.

I took the reporters of the local papers to the camp and they gave me some fairly good writeups which helped to quiet the situation. I intended to drop over to see you tonight at Springfield just to get that advice you might be able to give me as to my future course of action but I am unable to do so as I have business at Marion connected with the coal end of the work. If you do not think I am doing as well as I could do, under the circumstances, I would very much appreciate your writing me at Marion.

Thanking you again for your courtesy I am,

Yours truly,

SOUTHERN ILLINOIS COAL COMPANY

By W. A. Foster
President.

"Carbondale, Illinois,
Sept. 21, 1922.

"A rumor has come to my attention to the effect that Colonel Hunter on Wednesday evening June 21st, 1922, called Adjutant General Black on the long distance telephone from the office of State's Attorney Belos Duty advising General Black that troops would not be needed in Williamson County in connection with the Lester strip mine trouble, such a rumor is absolutely false. I was with Colonel Hunter all the time he was in Mr.

Duty's office and left there when he left and I deny this false rumor in justice to Colonel Hunter.

(Signed) Robert W. Davis."

Witness: Dan Dinneen."

Q. Where did you get that document that you have just read?

A. Major Davis prepared that in his office in Carbondale.

Q. At whose instance?

A. I told him of the rumor and asked him to make that statement.

Q. This was prepared at Carbondale?

A. Yes, sir, by Major Davis, under date of September 21, 1922.

Q. There was present at that time Dan Dineen, as shown by the instrument?

A. Yes, sir. Here is another document which I would like to make as a part of the record.

Q. The document you refer to shall be marked Exhibit 8 as of April 12, 1923.

(Whereupon document referred to was duly marked "Exhibit 8, April 12, 1923, and made a part of this record)

"Chicago, Illinois,
June 21, 1922.

"Colonel Sam Hunter,
Adjutant General's Office,
Springfield, Illinois.

Dear Sir:

I take pleasure in enclosing copy of the letter I presented to the Sheriff of Williamson County at Marion, Illinois in your presence, June 19th, and you will note that I asked him to make some of our men deputies, but that he thought that was a bad move and impracticable.

You will remember also that I did not press this point but placed upon him the responsibility of guarding our camp in the manner he sees most fit.

I have been in Chicago since Monday night but have heard of no demonstration or trouble of any kind around our camp or at Marion. I believe your promptness in visiting the camp has saved everyone a very vicious time. I certainly not only appreciated your presence at Marion but the very delicate and masterful way in which you handled the situation.

I took the matters of the local miners to the camp and they gave me some fairly good writeups which helped to quiet the situation. I intended to drop over to see you tonight at Springfield just to get what advice you might be able to give me as to my future course of action but I am unable to do so as I have business at Marion connected with the coal end of the work. If you do not think I am doing as well as I could do, under the circumstances, I would very much appreciate your writing me at Marion.

Thanking you again for your courtesy, I am

Yours truly,

SOUTHERN ILLINOIS COAL COMPANY
By (Signed) W. J. Lester
President."

Q. Did you reply to that letter?

A. No, sir.

MR. IGOE: How long have ^{you} been a member of the Illinois National Guard?

A. I have been since 1916 or 1917.

Q. And what ranks have you held during that time?

A. Prior to that I was in the Marine Corps.

Q. What is your military record?

A. It dates back to 1907.

Q. What service of the country were you in at that time?

A. United States Marine Corps.

CHAIRMAN: Just state them all.

A. I went in as a Private in 1907. Was a private until 1917 when I was commissioned a Major in the Illinois National Guard. Then I was Major of the First Battalion of the 9th Inf. and Lieutenant Colonel of the 4th Infantry, and Colonel of the 130th Infantry, and then on the General's staff as Personnel Officer.

Q. What ranks did you hold in the marine corps.

A. A private.

Q. From 1907 to 1917?

A. 1907 until latter part of 1908, then I was out until 1917.

Q. 1907 until 1908.

A. I was discharge on account of physical disability.

Q. And then you were out of service until 1917?

A. Yes, sir.

A. Yes, sir.

Q. What experience did you have with reference to strike duty?

A. Well, I had considerable experience with reference to strikes and riots.

Q. Down in that particular region of the country where this trouble occurred?

A. At West Frankfort.

Q. When did that riot occur?

A. In 1921, I believe it was.

Q. Had that any connection with the coal mines?

A. No, sir, that was more of a race riot.

Q. How long have you lived at DuQuoin?

A. Eleven years.

Q. How far is that from Marion?

A. It is something like 40 or 45 miles.

Q. That is down in what they call the coal region?

A. Yes, sir. DuQuoin is on the north edge of that big coal field.

Q. Are you familiar with that situation in the so-called coal region?

A. I think I am.

Q. Have you ever done any work around the mine?

A. Some yes, sir.

Q. You are familiar with the condition that prevailed in these mines?

A. Generally, fairly well.

Q. Were you, at the time this trouble occurred, familiar with the workings of the Miners' union down in that part of the state?

A. I think so, fairly well.

Q. Did you have any idea of their strength either politically or otherwise in Williamson County?

A. Some idea. I inquired about it.

Q. Did you know, at that time, of the political attention with relation to this Sheriff, whether or not he was a candidate for any other office at that time?

A. Yes, sir, I was advised he was a candidate for office at the time. Perhaps the union vote was 75 or 80 per cent of the total vote.

Q. You say the union vote is 75 or 80 per cent?

A. It has been estimated.

Q. Was the Sheriff a member of the Miner's union?

A. I do not know about that.

CHAIRMAN: What was he a candidate for?

A. County Treasurer.

FURTHER EXAMINATION BY MR. IGGE
MR. IGGE: And he subsequently was elected, wasn't he?

A. Yes, sir.

Q. Before you went to Marion on June 17th, did you confer with the Governor's Secretary?

A. Yes, sir. Mr. Sutton.

Q. And this matter was talked over with him?

A. Yes, sir.

Q. Did you go over with him the information you had?

A. I told him that they thought likely it would develop into a very serious situation down there and he decided it would be a good idea for me to go down.

Q. And as I understand it, it was after you consulted with him that you decided to proceed to Marion, and you decided to send the telegrams which have been introduced as Exhibits 1 and 2?

A. Yes, but I had practically decided on going to Marion before I talked with Mr. Sutton and he agreed it would be a good idea.

Q. Did Mr. Sutton come to your office or did you go to his office?

A. He came down to the office.

Q. Where was General Black at that time?

A. He was reported to be in Camp Logan, I think, but I tried to get him on the phone but they said he had gone to Waukegan.

Q. Where is Camp Logan?

A. Up north of Chicago.

Q. Three or four miles away from Waukegan?

A. Something like that.

Q. It is the old rifle range up near Zion City?

A. Yes, sir.

Q. Do you know how long, General Black had been out of the office at the time you were looking for him?

A. I could not say.

Q. Do you remember when you last saw him?

A. No, sir. I do not remember.

Q. Do you know ~~where~~ where the General was at that time?

A. I do not know.

Q. Was there any one in authority in your office above your rank at the time this information came into the office?

A. No, sir.

Q. Was the Lieutenant Governor in the State House?

A. I do not remember. I cannot remember whether he was or not.

Q. Was the Governor in his office in the State House?

A. No, sir. He was in Waukegan.

Q. And you did confer with the Secretary of the Governor?

A. Yes, sir.

Q. And then you proceeded to Marion?

A. Yes, sir.

Q. How were you received when you arrived at Marion?

A. I had wired the State's Attorney to arrange a conference, but he had not done it.

Q. When you got off of the train was there a reception committee to meet you?

A. We were not met. We called on the Sheriff right away.

Q. Did any one tell you anything about you better get out of town?

A. I had at different times fellows say they wanted to know who invited me down there.

April 17, 1922
Marion, Illinois,
June 19, 1922,

Subject: Strike Conditions at Southern Illinois Coal Company Mine,
Marion, Illinois,

To: General Carlos E. Black, Adjutant General, Chief of Staff,
Springfield, Illinois,

1. On Saturday, June 17th., I talked with State's Attorney, Delos L. Duty of Marion, Illinois, relative to reported disorders at the above captioned mine and was informed by Mr. Duty that the situation was not at all favorable, and in his opinion there was some likelihood of trouble at this mine. He further informed me over the 'phone that the Southern Illinois Coal Company was operating this mine with non-union labor, under the protection of imported guards or so-called "gunmen", stating that these armed guards were furnished by the Hargrave Agency of Chicago, Illinois. After this conversation with State's Attorney Delos L. Duty, I tried to reach you by long distance 'phone at Camp Logan, but was informed that you had left Camp Logan for Waukegan, Illinois. I then tried to reach you in care of the Salvation Army Hotel at Waukegan and was informed that you had left Waukegan at 1:20 p.m. Saturday, June 17th., for Springfield, Illinois. I then communicated with Mr. George D. Sutton and it was then decided that I had better proceed to Marion in view of the fact that the State's Attorney seemed to have some apprehension concerning the situation. After it was decided that I should proceed to Marion, I sent the following telegram to Mr. Duty and to Major Davis:-

(1)

Springfield, Illinois,
June 17, 1922,

Delos L. Duty, State's Attorney,
Marion, Illinois,

Will arrive Marion Twelve Thirty Noon Sunday June 18 period Arrange conference yourself sheriff Thaxton and others interested in the situation period Both sides should be represented at this conference period Governor Small is very anxious that trouble be averted period

Samuel E. Hunter
Colonel-Infantry.

Substantially recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

Springfield, Illinois,
June 17, 1922.

Major Robert W. Davis,
130th. Infantry,
Carbondale, Illinois,

Arrange to go to Marion with me tomorrow on noon train period

Hunter
Colonel.

The above telegram to Major Davis was sent thinking he would be of considerable service to me in securing information from different sources and further in order that I would have a witness to anything that I might say or do in any conference or action that might be necessary.

2. I left Springfield, Sunday morning, June 18th., at 3:15 a.m. via Chicago and Alton to St. Louis where I caught the Illinois Central direct to Marion, arriving at Marion at 1:45 p.m. Major Davis, as per instruction of the telegram, accompanied me from Carbondale to Marion. Immediately upon arriving at Marion, we called on Sheriff Thaxton and secured from him information in substance as follows: The Southern Illinois Coal Company is attempting to operate their strip mine which is located a few miles from Marion, with non-union men under armed guards or imported gun-men, furnished by the Hargrave Agency of Chicago; that on Friday evening, June 16th., three young men were stopped by the guards at this mine and were ordered out of their car. One of the young men who was slow in getting out of the car, was roughly handled by the guards who finally ordered all three of them to hold up their hands, which they did. One of the young men became tired of holding up his hands and dropped them and was struck in the face by one of the guards. The Sheriff further reported that numbers of people passing along this highway were ordered to stop and persons and vehicles searched before they were permitted to proceed on their way. The bitterness existing in this community as the result of this mine being operated by non-union men was greatly intensified by the fact that they are working under the protection of imported armed guards. He further stated that he had received several complaints from the citizens of the county and community in which this mine is located of the treatment accorded them by these guards and that on Saturday, June 17th., he, in company with the State's Attorney, Mr. Duty, and Sheriff Storm visited the mine for the purpose of determining the facts in the case. On arriving at the property of the Coal Company, they were halted by the guards. The State's Attorney questioned the guards very closely and asked them what authority they had to carry fire arms (the guards carrying rifles and Colt's 45 Automatic pistols). While being questioned the guards tried to conceal their weapons by placing them in their pockets and behind them.

Substantially recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

The Sheriff and his deputy with State's Attorney Duty then called on Mr. McDowell the local superintendent of the Southern Illinois Coal Company, and informed him that in their opinion the tactics being used by these guards toward traffic on the highways was only inciting the general public and union miners to violence and suggested to Mr. McDowell that he have his guards walk their post without fire arms and to keep the guards within the boundaries of the Coal Company's property. This Mr. McDowell agreed to do. The above is in substance the report made to me by Sheriff Thaxton, State's Attorney Delos L. Duty and Deputy Sheriff Storm. The sheriff invited Major Davis and me to be present at a conference to be held in the office of the State's Attorney, Monday morning, June 19th., at 8:00 a.m. The following were to be present at this conference: State's Attorney Delos L. Duty, Sheriff W.L. Thaxton, Deputy Sheriff Storm and Mr. W.J. Lester, President of the Southern Illinois Coal Company.

3. Sunday evening, June 18th., I decided to visit the coal mine of the Southern Illinois Coal Company, located approximately 4 1/2 miles north and west of Marion, on a public highway which runs from Marion to Herrin. The mine is located on a tract of land known as the "Chenworth Farm". Police officer Thornton of Marion, Illinois, accompanied me to the mine. We arrived at the mine between 10:30 and 11:00 p.m. As we were leaving the main highway to drive on the mine property, we were halted by four guards, two of whom had side arms. Upon halting us the guards asked us to get out of the car. This I did. Upon alighting, they noticed that I was in uniform and very courteously escorted me to the office of the mine superintendent C.E. McDowell. I advised McDowell that I was down to make an investigation concerning reported disorders which were likely to occur at his mine, advising him that we had been advised that he was operating his mine with non-union labor under the protection of armed guards; that it was reported that his guards had been patrolling on the public highway and had been in the habit of holding up and stopping traffic on this highway. McDowell denied this report and qualified by saying that he had no knowledge that such was the case, further stating that if this came to his notice again that he would discharge the guilty parties. I advised McDowell that in my opinion it would be well for him to confine his guards within the boundaries of the coal company's property and suggested that we have ~~have~~ them walk their post without arms, as the presence of armed guards protecting a non-union force of workmen in a highly unionized community at this time, especially now that there had been no indications of trouble, that it had a tendency to incite the miners to violence and furthermore, it was obnoxious to the public in general to be stopped on the public highway by armed guards. McDowell agreed with me and said that my suggestions would be carried out.

4. Monday, June 19th., at this conference the sheriff and the State's Attorney advised Mr. Lester to have his guards stay on the Coal Company's property and walk their posts without arms. Mr. Lester agreed to this. He stated that these guards were placed on his property in compliance with a clause in his insurance contract that he maintain a guard

substantially recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

on the property. I then asked Mr. Lester if it was his intention to continue to produce and ship coal under present conditions. He informed me that it was and that he had notified the Sheriff by letter that he expected protection from his office. I then asked Mr. Thaxton if it was his intention insofar as he could, to protect life and property and he informed me that it was. I told Mr. Thaxton that the Governor and the Adjutant General would expect and demand him to use every effort and precaution to preclude any disorders and prevent the loss of life and the destruction of property which might result with the continued operation of this mine under present conditions.

5. After the conference I talked with numerous union coal miners who were gathered on the public square in large groups. In one group I would estimate that there were at least two hundred men. In this crowd the sentiment and feeling was very intense. The cause of this feeling was that the miners felt that an effort was being made to successfully operate this mine with labor not affiliated with the United Mine Workers of America and should this attempt be successful, it was their belief that other coal companies would attempt to operate their mines with non-union men. This impression was quite general among the union miners of this Southern Illinois Coal Field.

6. After talking with several of the union miners, I thought the situation was critical and went to the telephone office and placed a long distance call for you at 11:00 a.m. and talked with you at 11:15 a.m. at which time I advised you of the intention of Mr. Lester to operate his mine and that the mine property was being guarded with armed guards much to the dislike of the union miners. Also that Mr. Lester proposed to continue to mine and ship coal and that the feeling among the union miners in Marion was very bitter as well as in adjoining towns and that on Sunday night, June 18th., two shots had been fired in the neighborhood of the mine by unknown persons and further that in my opinion, the local officials were in sympathy with the local union men on strike but that they had agreed to make every effort to maintain order and suppress any disturbances. Also advised that there was a strong undercurrent of sentiment and that there would be trouble of a serious nature if this company continued to operate this mine with non-union labor under the protection of imported armed guards. Advised that two workmen who had arrived in Marion Monday morning, June 19th., for the purpose of working at this mine had been ordered to leave town by a crowd of union miners. These two men informed the crowd of union miners that they did not know the conditions at this mine and had been misinformed about it being operated on a non-union basis, stating that they were union men but did not have enough money for railroad fare back to Chicago. The union miners then made up a purse and bought them tickets to return to Chicago. Advised that Sheriff Thaxton was a candidate for County Treasurer and that I had little confidence in his expressed determination to do anything or take any steps that would incur any possible dislike from the union miners on strike; that in my opinion the union labor vote of Williamson County was about 75 or 80 per cent of the total vote and for that reason I doubted very much if he would exert himself to any great extent in protecting the property of the Southern Illinois Coal Company. In view of this feeling, I advised you that it would be well to hold in readiness Company K and Company I of the 13th. Infantry for any emergency which might arise and which I felt certain was inevitable if Mr. Lester carried out his determination to operate

thoroughly recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

his mine. You then instructed me to lay down on the sheriff and have him do his full duty, further advising me that troops could not be sent until the sheriff requested them but that you would hold them in readiness.

7. After talking with you giving you this information, I returned to Sheriff Thaxton's office but he was not in. I then continued my investigation of conditions by talking with the business men of Marion and with union miners on the streets. Later in the afternoon I called on the sheriff again and informed him that I did not like the tone or the sentiment expressed by many of the miners with whom I had conversed. I then asked Mr. Thaxton if he had complied with the request of Governor Small and of yourself by swearing in a sufficient number of deputies to meet any sudden emergency. He said that he had a regular force which he felt was sufficient at the present. I then informed Sheriff Thaxton that I had advised you by long distance to hold troops in readiness to be sent to his assistance should occasion demand it and that in my opinion they would be needed unless he took sufficient precautionary steps to prevent trouble at the mine of the Southern Illinois Coal Company. Sheriff Thaxton informed me that troops would not be needed to put down any disorders which might arise at this mine and said that I should advise you to this effect. At 6:05 p.m., I put in a long distance call and talked to you at 6:18 p.m. advising that Sheriff Thaxton had not sworn in any extra deputy sheriffs and that he did not anticipate the use of troops. You again requested that I urge the sheriff to do his duty, which I did.

8. Tuesday, June 20th., I called on Sheriff Thaxton alone as Major Davis returned to Carbondale on Monday evening, June 19th. I again requested Sheriff Thaxton to comply with Governor Small's and your request that he swear in a large force of deputy sheriffs. Sheriff Thaxton then advised me that in his opinion the excitement was dying down and that the high feeling was not so tense as it had been. I agreed with him in this but it was due to the fact that the report was being circulated that I had arrived in Marion in advance of two regiments of troops. This report seemed to have had a quieting effect upon those who had been talking of violence the day before (Monday June 19th.)

9. While I was in the Sheriff's office, Judge A.D. Morgan of Herrin called me and invited me to speak at a luncheon of the Lions Club to be held at the Jefferson Hotel in Herrin at noon that day. He expressed the belief that it would probably have a quieting effect in Herrin. I accepted the invitation and in my short address to the Club, called upon the members of that organization to co-operate with the local authorities of Williamson County in helping to maintain law and order and in discouraging mob violence. After my address, I conferred with Judge Morgan, Senator Wm.J. Speed of Herrin, and talked with ~~many~~ numerous union miners on the streets and found that the feeling was more tense in Herrin than it was in Marion. While in Herrin, I was advised that the miners had held a mass meeting that morning near Herrin, at a mine known locally as, the "Sunnyside Mine". I then called on Senator Speed again but he assured me that this meeting was not cause for alarm. I then went to Marion and informed the sheriff of this meeting and suggested to him that he have his deputy sheriff at Herrin ascertain the purpose of this meeting. He agreed to do this. At 7:35 p.m. I placed a long distance call for you and talked with you at 7:45 p.m., advising you of my activities during the day, transmitting to you such information as I had accumulated. Talked with union miners on the streets and felt as though the sheriff should be more alert and active.

Substantially recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

I then called on the sheriff and demanded that he deputize a large force of deputies including in his force business men, emphasizing the fact that Governor Small and you would hold him responsible for maintaining law and order. He was quite positive that he had the situation well in hand. I told him that he should swear in these deputies or request troops as they were being held in readiness subject to his request. He still persisted that he had the situation well in hand, even after being advised of the miner's meeting at Herrin, which had been referred to as an indignation meeting in protest of the mine of the Southern Illinois Coal Company being operated during the strike by non-union men.

19. Wednesday, June 21st., I called at the office of the sheriff but he was not in. I inquired of the deputy sheriff if everything was quiet. He informed me that there had been no disturbance during the night and that he did not expect any. I then inquired of him if Sheriff Thaxton had sworn in a force of deputies and he said not to his knowledge, stating further that it would not be necessary. Later I talked with Sheriff Thaxton and State's Attorney Duty and again advised Mr. Thaxton, in the presence of Mr. Duty, that in my opinion he should ~~imply~~ comply with Governor Small's and your request in swearing in a sufficient number of deputies to meet any emergency which was very likely to arise under the circumstances. The sheriff advised me that he had the situation well in hand and that he did not feel like any more disturbances would occur. Mr. Duty said that he had just advised the sheriff that in his opinion it would be the ~~wrong~~ thing to do to ask for troops and that if he was sheriff he would not call for troops under any circumstances and further expressed his opinion that Sheriff Thaxton and his deputies would be able to maintain order. I then went down on the streets and conferred with union miners and found that the sentiment and feeling among them was again more bitter and tense. I then went to the office of the Greater Marion Association and advised Mr. C.A. Edrington, General Secretary of the association, that it was impossible for me to persuade the sheriff to concern himself about the situation which in my opinion did not look very good, but probably I was unduly concerned over the situation. Mr. Edrington and I agreed that it would be well to appoint a committee consisting of reputable business men, mine officials and members of the Union to urge the mine officials to close the mine for the duration of the strike or at least temporarily until the excitement had died down, and to urge the miners not to create any disturbances. This agreed, Mr. Edrington, called Mr. A.B. McLaren, prominent business man of Marion, Mr. Ralph Mitchell, General Superintendent of the Earnest Coal Company, Mr. Wm. H. Rix, Union Labor Official, on the 'phone for a conference in his office. These men agreed with us that such a committee would serve a good purpose and while we were discussing what the general duties of this committee should be, I received a report to the effect that a truck load of workmen being imported to this mine overland from Carbondale had been attacked enroute to the mine by union miners. I went to the sheriff's office and was advised that the sheriff had gone to investigate this report. I then returned to the office of Mr. Edrington and we outlined what the duties of this committee

stantly recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

At about 3:50 p.m., Superintendent McDowell called me again stating that he thought the mob was increasing in numbers and inquired if I had been able to locate the sheriff. I advised him that I had not been able to locate the sheriff. I advised him that I had not been able to communicate with him personally but had advised his deputy of the situation and instructed him to take all available deputies and proceed to the mine, advising him (McDowell) that the deputy said they could handle the situation. I made every effort from this time on to locate Sheriff Thaxton and to impress on him the necessity for calling out the troops which were being held in readiness to antrain at his request. At 3:50 p.m., Assistant Superintendent Shumaker called me on the phone stating that one of their men had been shot. McDowell also talked to me again and asked if I had located the sheriff and if so, had he requested troops. At 4:14 p.m., I called McDowell and advised him that I was unable to locate the sheriff and he then asked me to advise him what to do. I asked McDowell if he would agree to a truce (providing the other side would agree) if suitable terms could be agreed upon. He said he would agree to a truce on any reasonable terms. I advised him that I would immediately get in touch with the officials of the Miners Union and would advise him later of my efforts in this direction. At this point, I was notified by a phone message from Herrin that a Union miner named Henderson had been brought in from the scene of the rioting, dead and that two others were wounded and were in the hospital at Herrin. At this point, I was advised by Mr. A.B. McLaren, prominent business man of Marion, that a friend of his and of Mr. W.J. Lester's (Mr. Hamilton) had called Mr. Lester (President of the Southern Illinois Coal Company) on long distance and suggested to Lester that he get in touch with his superintendent, Mr. McDowell, and order him to close the mine in order that further trouble might be averted. Lester agreed to close the mine. Mr. Lester called me on long distance from Chicago and requested me to rush troops to his mine. I advised him of my inability to do so, but advised him to call Governor Small or General Black. Advised Lester that I was endeavoring to arrange a truce. He authorized me to go to the extent of agreeing to close down the mine. At 5:30 p.m., I succeeded in reaching Mr. Fox Hughes, Vice President of the United Mine Workers for the sub-district, by phone, and inquired of him if he thought he could get the mob of Union miners who were attacking the mine to agree to a truce on the following terms.

1. That both sides cease firing immediately until a satisfactory agreement could be reached, that Mr. Lester would be willing to close his mine for the duration of the strike. Mr. Hughes was of the opinion that this would be agreeable with the union miners who were at this time attacking the mine. I told Mr. Hughes that I would instruct McDowell to put up a white flag pending further negotiations of peace terms and instructed Mr. Hughes to have other union mine officials accompany him to this mine under a white flag, suggesting that they and McDowell make some sort of agreement or arrangements whereby any further loss of life might be averted.

things that occurred at the scene of
trouble.

2. That the non-union men be offered protection and safety from the mine after closing. Mr. Hughes agreed to go advising me that Mr. Hugh Willis and Mr. Davis would accompany him to the mine under a white flag of truce and they would endeavor to have their men discontinue the attack on the mine. At 5:45 p.m., I called McDowell at the mine and told him that the union officials had agreed to do everything in their power to stop the fight. At 6:00 p.m., I again called Mr. Hughes at his office in Herrin. He had not yet left for the mine and I urgently requested that he go at once and personally see to it that the union miners put up their white flag at once as I had already instructed Superintendent McDowell to put up his flag. Mr. Hughes agreed to leave immediately. At 6:10 p.m., I called McDowell again and advised him that Mr. Hughes, in company with other union mine officials were on their way from Herrin with a white flag and instructed McDowell to see to it that his guards did not fire on Mr. Hughes and his party. I then called Mr. Hughes office again at Herrin and was advised that Mr. Hughes had left for the mine with a white flag. I then called McDowell again and he advised me that his flag was up and that he had noticed a small white flag which the union miners had put up but said that they had not had any conference up to this time and that he preferred to wait until morning instead of leaving at night. At 6:17 p.m. I put in a call for you and talked with you at 6:45 p.m. advising you of the truce. Also advising that the firing had practically ceased as McDowell had advised me that there was hardly any firing except an occasional shot which he thought was fired in the air. You expressed satisfaction that the truce had been arranged and inquired if Major Davis was with me. I informed you that he was in Carbondale but would return to Marion on the 9:00 o'clock train that evening, Wednesday. I then suggested that you have Major Greaney of Cairo report to me at Marion but you informed me that he was not available, being away on leave of absence. I then made every effort to locate Sheriff Thaxton for the purpose of having him go with me to the mine and swear in as large a force of deputy sheriffs as possible, to see that the terms of the truce were carried out. I continued my inquiries and search for the sheriff until about 10:30 p.m. when State's Attorney Duty called me on the phone stating that the sheriff and some other parties were in his office and that they wanted me to come to his office alone for a conference. At this point I was notified that the railroad switch leading into this mine had been dynamited but there was not any shooting being done by either side. I called at the office of State's Attorney Duty, accompanied by Major Davis, as I did not care to go alone, and found the following named persons there: Sheriff Thaxton, State's Attorney Duty, Mr. Hugh Willis and one or two others. On arriving there we were informed by Mr. Duty and Sheriff Thaxton that they had been gone all afternoon investigating the shooting which occurred on the public highway at a point near Carbondale. I then asked Mr. Willis if everything was quiet at the mine. He advised me that they were resting under a truce until morning. It was agreed at this conference that the sheriff, his deputies, State's Attorney Duty and all of the miners union officials visit the mine early next morning, Thursday, June 22nd. and see to it that the terms of the truce be carried out. The conference then ended. It occurred to me that it would be well for the sheriff, his deputies, Major Davis and myself to go to the mine immediately as a precaution against the fight being resumed during the night. The sheriff bitterly opposed this suggestion, stating that he was tired and worn out, further stating that some

substantially recorded all the things that occurred at the mine trouble?

A. Substantially so, yes, sir.

of his deputies were out at this mine already. (I have not, up to this time, been able to verify the statement of the sheriff that he at any time during the disorder was himself or any of his deputies at the scene of the disorder during the actual fighting.) The sheriff said that he felt certain they could handle the situation until our arrival in the morning. I then urged him again to request the Governor for troops but he stated that there was no need for troops as he felt sure that the truce would end the fighting. After this conference with the sheriff, Major Davis, and I remained at the office of the State's Attorney for a short time. During the course of our conversation the State's Attorney read to us the statements of the man wounded in the attack on the truck carrying them from Carbondale to the mine, after which he advised us that on their return to Marion (referring to himself and Sheriff Thaxton) they were notified at Cartorville of the disorder which had occurred at the mine. Mr. Duty stated that he advised the sheriff to proceed from there (Cartorville) to the mine to ascertain the facts and if the fight was still in progress to make an effort to stop it. Mr. Duty states that the sheriff would not entertain this suggestion and insisted upon returning to Marion and going out to the mine next morning. We then left the office of the State's Attorney and returned to the offices of the Greater Marion Association where we had established headquarters. Telephone connections were very poor and it was almost impossible to hear accurately. Reports coming in from the mine at 1:45 a.m., Thursday morning, June 22nd., were to the effect that there was no firing and that the truce was being observed. The telegraph office being closed was informed that it would not open until 7:30 or 8:00 o'clock in the morning and further being assured by the local authorities and the union mine officials that they had the situation under control and that the truce could be carried out. We retired as I had had very little sleep or rest during the past few days and had not had any food for two days. It now being about 2:00 a.m., Thursday morning, June 22nd., Major Davis and I retired intending to arise at 5 a.m. in the morning to accompany the sheriff and his deputies to the mine to personally see to it that the sheriff enforced the terms of the truce and prevented further rioting. Thursday morning, June 22nd., at 6:00 a.m. Major Davis and I called at the office of the sheriff but it was locked. We could not locate the sheriff until about 8:30 a.m. We then accompanied him with one deputy sheriff to the mine. On arriving there we encountered a large crowd, between 1200 and 1500 men. We were informed that at about 5:30 or 6:00 o'clock the white flag at the mine was taken down. Immediately however, it was put up again. At this point we were advised that the mob was excited to immediate action by the arrival of recruits from surrounding towns and it was decided to ask the non-union workmen to surrender and lay down their tools and arms. The Union miners then called on the non-union miners to surrender without resistance, this they did with assurances that the terms of the truce would be carried out. The prisoners were then lined up and the march in the direction of Herrin was begun. As the marchers proceeded on their way the mob kept increasing in numbers and with the increase in numbers likewise the increase of bitterness. At a place where the highway intersects with a mine switch, someone of the mob asked to have Superintendent McDowell pointed out to him whereupon he struck McDowell on the head with his pistol. It is reported that McDowell was unable to keep pace with the mob on account of his physical condition and at this point he was taken out of line and shot. The miners, with their prisoners then proceeded on their way toward Herrin until they reached the Coal Belt Power Plant. By this time the steady increase of the mob had caused them to reach the

and all the things that occurred at the scene of trouble.

A. Substantially so, yes, sir.

breaking point. The prisoners were then marched into a woods about 200 or 300 feet to the east of the Power Plant. On arriving at this point it is reported that the prisoners were lined up and then were instructed to "beat it". As they started to run for safety they were fired upon, 16 being shot dead, 9 wounded, preventing their escape while a few others escaped safely. The dead and wounded were removed as quickly as possible to Harrin, according to my information.

11. On arriving at the mine, I discovered that our immediate duty was to prevent the further destruction of property, as I understood that the miners with these non-union miners were in Harrin supposedly to be shipped out in accordance with the terms of the truce, I observed a crowd of about 20 or 30 men attempting to set fire to some railroad box cars being used as sleeping quarters by the mine employees. These cars were commonly referred to as "bunk cars". I also noticed a large crowd entering the strip mine, I presumed for the purpose of destroying the property and equipment. I advised Major Davis and the sheriff to clear the mine of the mob while I attempted to prevent the crowd from setting fire to the "bunk cars". I succeeded in this for a very short time. As the crowd kept increasing in numbers, it was hopeless and finally the entire length of the eight cars was surrounded and in short time every car was burning. The news had soon spread that the fight had ended with the surrender of the non-union workmen and by this time the public highway leading past this mine was crowded with sight-seers coming to view the wreckage. It was a physical impossibility for the sheriff, his deputy, Major Davis and myself to clear the mine of the people who were streaming in. Assuming that the sheriff's deputies whom I had been advised were on duty at the mine all night, together with the miners union officials would see that the truce was carried out by escorting the non-union men safely on the train at Harrin to leave the county, Major Davis and I returned to Marion to report to the Adjutant General what had occurred. Sheriff Thaxton and Deputy Sheriff Schaffer proceeded to Harrin over the road taken by the union miners and their prisoners stating that he (Sheriff Thaxton) would see to it that they were permitted to leave Harrin in safety. Major Davis and I arrived back in Marion at about 11:00 a.m. At 11:15 a.m., I talked with you on long distance giving you what information I had of the matter. You advised me that you had received the information that several of the non-union miners had been killed and requested me to make a complete investigation and report to you. I then left Marion accompanied by Major Davis to make further investigations. We returned to the mine and made every effort there to verify the report. (I was continually receiving like reports all afternoon and evening, Wednesday, June 21st., and in each instance as many denials. Reports were numerous and it was physical impossibility for two officers to make a personal investigation of all these numerous reports. From the mine we proceeded over the same highway that the miners had marched with their prisoners in the direction of Harrin. On making inquiries of the people whom we met on the road, we learned that the massacre had actually occurred. We discovered where Superintendent McEwell was reported to have been killed. Blood was found on the ground where he had lain. From this point we proceeded to the woods near the Coal Belt Power Plant and there we found numerous pools of blood near a fence which was built through the woods as

substantially recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

evidence of what had happened. From the woods we went to Herrin and viewed the sad bodies of the non-union miners, after which I had a conference with Mr. Robert McMillin, Director of the Department of Mines and Minerals. This conference at the instruction of yourself. Mr. McMillin was of the opinion that the worst was over and with the closing of the mine he did not fear further outbreaks, advising me that he had wired Governor Small to the effect that it would be a mistake to send troops into the county now. I received like advice from Senator Steel over long distance phone, Mr. Fox Hughes sub-district, Vice-President, Mr. Hugh Willis, Mayor Pace of Herrin, Traveling Auditor for the United Mine Workers Union, City Court Judge, A.D. Morgan of Herrin, C.E. Anderson, Arbitrator, Illinois Industrial Commission, Circuit Judge D.T. Hartwell, C.E. Strington, Secretary Greater Marion Association and many other business and professional men of both Herrin and Marion. It was also the common opinion of union miners on the streets at Herrin and in Marion that the trouble was now ended. Mr. Lester refused to close his mine but it had been closed for him and there was no more danger of any more trouble. Their objective had been obtained with the closing of the mine, and a lesson taught to strike breakers. One could frequently hear the expression on the streets of Herrin that "the battle has been won and the Union preserved". After making as complete an investigation as possible, I returned to Marion and placed a long distance call for you at 4:07 p.m. and talked with you at 4:44 p.m. advising you of the killing of the non-union miners verifying the reports which you said you had received except as to numbers. The total number of dead then being 18. Fifteen employees of the Southern Illinois Coal Company, two union miners and McDowell by the roadside. Nine wounded were in the Herrin hospital and five wounded were in a hospital at Carbondale. You then instructed me to get in touch with the sheriff and see to it that there would be no recurrence of disorder. This I did and was advised by the sheriff that in his opinion the trouble was over.

12. Friday, June 23rd., was devoted to making investigations, searching the countryside for dead bodies and keeping me in close touch with conditions in Herrin to ascertain if there was any disposition on the part of the union miners to do further injury to the wounded in the Herrin Hospital. No indications of any further disorder on Friday. Was advised by you that a Military Investigation Commission, headed by Major General Milton J. Foreman and Colonel Wm. S. Swanson, would arrive at Carbondale Saturday morning, June 25th., at 4:10 a.m. and instructed me to meet them there with automobiles and to give the Commission all the information and assistance I could.

13. Saturday, June 26th., met General Foreman and the members of the Military Investigation Commission, at Carbondale, as per instructions, escorting them to Marion, thence to the mine of the Southern Illinois Coal Company where they viewed the wrecked condition of the mine. From there we proceeded to Herrin, where General Foreman held conference with the follow-

stantly recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

ing business men and union officials to determine as he put it, the present status of conditions: C.E. Anderson, Arbitrator-Industrial Commission, Judge A.D. Morgan, Judge City Court; Mayor A.W. Pace of Herrin, Hugh Willis, District Board Member, J.M.V. of M., J.M. Lee, Manager Herrin News; S.C. Greer, Editor Herrin Journal; C.T. Lyerla, Herrin State Bank. It was the opinion of all these witnesses that the possibility of trouble was over with the closing of the Southern Illinois Coal Company mine and that in their opinion there would not be any recurrence of trouble unless an effort be made to operate the mines with non-union miners. General Foreman was assured by District Union officials that maintenance men at the mines would be permitted to work without being molested or ~~intimidated~~ intimidated. General Foreman and the other members of the Commission satisfied with the assurances they had received in Herrin, proceeded to Marion. In Marion, General Foreman and the Commission conferred with the following business men: C.E. Harrington, Secretary Greater Marion Association; R.B. Mitchell, General Superintendent Ernest Coal Company; C.F. Miles, Merchant, D.L. Duty, State's Attorney, Melvin Thaxton, Sheriff, B.K. Casey, Editor Marion Post; Oldham Paisley, Editor Daily Republician. At Marion, as at Herrin, it was the opinion of those with whom the Commission discussed the situation that the trouble was now over and that troops were not needed. This was the opinion of all, except in two instances and they would not give any reason for believing there might be a recurrence of disorder other than an attempt on the part of the mine owners to operate their mines with non-union miners. After hearing the testimony of all these reputable citizens of Marion and Herrin, the Commission agreed unanimously that there was not any present need for troops and that the state had done its full duty in trying to avert the riot, there being no criticism of the State Officials who were on duty during the trouble. The verdict of the Commission was transmitted to you by General Foreman whereupon the Commission left Marion for Carbondale enroute to Chicago.

Saturday evening, June 26th., I returned to Herrin to keep in closer touch with developments should there be any indications of violence toward the wounded in the Herrin Hospital, Saturday night, I investigated a rumor that maintenance men were ordered to quit work at the Orient Mine. I drove to West Frankfort and interviewed Ex-Mayor Lou Fox, Sub-District President. He gave his personal assurance that there would not be any trouble arise from that source, advising we knew doing construction work had been stopped pending an agreement but that they had returned to work and would not be molested.

14. Sunday June 27th., I attended the coroner's inquest of the killing of the employees of the Southern Illinois Coal Company. No indications of any trouble. At the cemetery where the bodies were buried very few spectators were present. The graves were dug by union miners under the supervision of Senator Wm.J. Reed. There were no visible indications of excitement or likelihood of any disturbances.

15. In accordance with your instructions to remain in the County for a few days to report any indications of a recurrence of trouble, I remained in Williamson County until Monday, June 28th., when I returned to Springfield, Illinois. Arriving Springfield, Tuesday morning, June 29th. reporting to you in person on that date.

Substantially recorded of the things that occurred at the scene of trouble?

A. Substantially.

10. I must reiterate that the mine union officials, including Mayor Inesi, Rex Hughes, Hugh Willis and Roger A. Greer, did not condone the acts of the mob nor did they in any manner encourage violence, in fact they expressed their willingness to cooperate with me in preventing any disorder.

Strange as it may seem, an outstanding feature of the mob attacking the Southern Illinois Coal Company Mine was the noticeable absence of drunken men. I did not even detect the odor of liquor in all that crowd. It was a seemingly well organized, determined, resolute aggregation of men and boys, fighting as they put it in their own language, "to preserve the union" and serve as a warning to strike breakers who would seek to destroy their union in the future. Williamson County as a whole should not be wrongfully pictured or unjustly criticized for the unlawful acts of a frenzied mob or for the failure of a certain official to perform his plain and well defined duties. There were many loyal high minded citizens of the county who worked equally as hard as I to prevent what occurred at the ill-fated mine of the Southern Illinois Coal Company on June 22, 1922, and I wish to express to them my sincere appreciation for their loyalty and the assistance given me from the very inception of the trouble until the closing of the mine and the burial of the dead, which brought peace again. I submit herewith a partial list of the names of those who so loyally and willingly contributed their services and advised with us in any efforts to uphold the law, and prevent another page of our State's history from being written in human blood drawn by the hands of a frenzied mob:

C. R. Harrington,	Marion, Ill.	A. B. McLaren,	Marion, Ill.
Oldham Paisley,	" "	C. C. Davis,	" "
S. K. Casey,	" "	John Lee,	" "
C. F. Miles,	" "	Marion Hunter,	" "
R. B. Mitchell,	" "	Cox & Son Hardware,	" "
Wm. A. Rice,	" "	Duncan & Baker Mdw.	" "
W. T. Worder,	" "	A. D. Morgan,	Herrin, Ill.
C. E. Anderson,	Herrin, Ill.	F. J. Sneed,	" "
Rex Hughes,	" "	Hugh Willis,	" "
P. H. Koel,	" "	D. C. Greer,	" "
Lions Club,	" "	Hal Trevillion,	" "

I cannot conclude this report without advising you of the able assistance rendered me by Major Robert W. Davis of the 130th. Infantry, a capable courageous and fearless young officer who was always on the alert, awake to his obligations, and to the task in hand, an officer of ability and a gentleman in every respect. His services were invaluable and should be fully appreciated by all.

Samuel E. Hunter,
Colonel-Infantry,

Robert W. Davis,
Major-130th. Infantry.

Substantially recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

Q. Who were those fellows?

A. I took them to be rough-necks, people looking for trouble or wanting trouble.

Q. But do you know who they were?

A. No, sir.

CHAIRMAN: Were you in uniform at that time?

A. Yes, sir.

Q. As was Major Davis?

A. Yes, sir.

MR. IGOE: As I understand it, after all of this trouble was over you filed a complete report of the entire matter with the Adjutant General in this building?

A. A substantial synopsis of events.

Q. A substantial synopsis of it?

A. Yes, sir.

Q. And I will ask the Chairman if the Adjutant General was requested to produce that report.

CHAIRMAN: He produced a copy of it. He said any originals we wanted were on file in his office and we might have them.

MR. IGOE: Let this be marked Exhibit 9 of this date.

(Referring to report of Colonel Hunter to Adjutant General Black)

WHEREUPON said document was duly marked "Exhibit 9 of April 12, 1923, and made a part of this record, attaching same herewith)

MR. IGOE: I will ask the witness to look this over later on and we can check it up. The document which I am holding here has been marked Exhibit 9 as of this date. Let us assume that is a copy of the report which you made to the Adjutant General.

A. I assume it is.

Q. And in that report, as I understand it, you have substantially recorded all the things that occurred at the scene of trouble?

A. Substantially so, yes, sir.

Q. And that report was filed with the Adjutant General?

A. Well, I forget the time. It is dated there on that. The report was started on June 19th, then facts added to it day by day.

Q. As I understand, the Adjutant General says this was filed about July 5th.

A. Well, it was probably completed or submitted at that time, I think.

Q. Was that report signed by any person other than yourself?

A. No, sir.

Q. Was the signature of Robert W. Davis, 130th Infantry on the report?

A. I believe he did sign one copy. I am not sure. This copy here has not his signature on it.

CHAIRMAN: What was the purpose of Major Davis signing that report?

A. He was there with me quite a lot.

Q. Who requested him to sign it?

A. I do not think he signed the original report.

Q. Do you know of any report that he did sign?

A. I cannot say now.

Q. Did he sign any in your presence?

A. I do not remember. I do not think it is necessary for him to sign it.

MR. IGOE: Do you know whether Major Davis looked over this report before you filed it?

A. Yes, sir, he did.

Q. Did he have anything to do with the making up of this report?

A. No, sir. I presented it to him after it was prepared and asked him if there was anything wrong in it and if any corrections were to be made?

Q. What, if anything, did he say?

A. He had no suggestions to make.

Q. Has the Adjutant General ever told you that this report was or is incorrect?

A. No, sir.

CHAI MAN: Let him state further, if anything the Adjutant General has said with reference to this report.

MR. IGOE: Just a minute. Let him answer my question.

CHAIRMAN: The questions should be substantially in conformity.

MR. IGOE: My question is all right. Let the reporter read it.

(Question read)

A. No, he has not.

Q. Is this report correct in the manner in which it now stands?

A. Yes, sir. Substantially.

MR. PIERCE: Let me state the rules that prevail in it because there might be laymen on a committee of this kind. Technical rules of law are not necessary to follow.

MR. IGOE: What is your position with the military department at the present time, Colonel?

A. I am the Personnel Officer of the Illinois National Guard.

Q. What is your rank in the National Guard?

A. Colonel of Infantry.

Q. Any complaint of any kind ever been made to you concerning the matters set forth in this report?

A. No, sir.

Q. Any charges ever been preferred against you?

A. No, sir.

Q. What is the method by which a person is separated from the military service in event charges are filed against him?

A. Well, it can be by reason of physical disability or inefficiency. or incompetency or by court martial.

Q. What would be the proper method if an untruthful report was deliberately made by an inferior officer to his superior?

A. Most generally it would be a court martial.

Q. And is that the procedure that ordinarily would be followed in a matter of that kind?

A. Yes, sir.

Q. And is that procedure set forth in the Military Code of the State of Illinois?

A. Yes, sir.

State of Illinois
Office of The Governor
Springfield

Len Small
Governor

Springfield, Illinois,
July 17th, 1922

Col. C. M. Hunter,
Adjutant General's Office,
Springfield, Illinois.

Dear Colonel Hunter:-

On returning to my office this morning for a short
period this morning, I find your letter of July 6th regarding
your report of the Williamson County wine riots.

Thank you for the information given.

Yours very truly,

Len Small

Any doubt about the proceedings ever been instituted against you?

A. Not so far ~~XXXXXXXX~~, no, sir.

Q. As I understand, your position downstairs I suppose you call of the line. You are a line officer.

A. I am a line officer but on the General's staff duty.

Q. The thing that puts you on the payroll is because you are on the General's staff?

A. Yes, sir.

Q. What is the power that puts you on as a staff officer?

A. The executive power of the Governor.

Q. And that is the manner in which you are now holding your present position?

A. Yes, sir.

Q. Has the Governor ever made any complaint to you about anything you did at the scene of this trouble?

A. The only thing he ever said to me was in a letter.

Q. Where is that letter.

A. I believe I have it here. (Hands paper to Mr. Igoo)

Q. The paper which you have handed me and which has been marked Exhibit 10.

(Whereupon said document, duly marked Exhibit 10 of April 12, 1923, is made a part of this record)

A.

"Kankakee, Illinois,
July 17, 1922.

"Colonel S.N. Hunter,
Adjutant General's Office,
Springfield, Illinois.

Dear Colonel Hunter:

On returning to my office at Kankakee for a short period this morning, I find your favor of July 6th regarding your report of the Williamson County mine riots.

Thank you for the information given.

(Signed) Len Small"

Q. Is that the only communication you have ever received from the Governor since this report was submitted to him?

A. Yes, sir.

Q. Your favor of July 6th was what?

A. Was my letter of transmittal to the Governor.

Q. And that was the letter transmitting the report which has been marked "Exhibit 9" as of this date?

A. That was my letter to the Governor advising him that my report was filed with the Adjutant General because I do not report to the Governor. I report to the Adjutant General.

Q. When you got down to the scene of this trouble, as I understand it, you looked the ground over and then you called the Adjutant General on the telephone?

A. Yes, on Monday.

Q. About 11:15 on Monday, June 19th?

A. Yes, sir.

Q. At that time did you tell the Adjutant General that troops were needed?

A. Yes, sir.

Q. Did you give him the reasons why troops were needed in your report?

A. I told him I did not think the Sheriff could be depended upon to take any action to prevent trouble.

Q. Well, did you make this report to the Adjutant General at that time, reading now from Exhibit 9 on page 4: "I advised you of the intention of Mr. Lester to operate his mine and that the mine property was being guarded with armed guards much to the dislike of the union miners. Also that Mr. Lester proposed to continue to mine and ship coal and that the feeling among the union miners in Marion was very bitter as well as in adjoining towns and that on Sunday night, June 18th, two shots had been fired in the neighborhood of the mine by unknown persons and further that in my opinion, the local officials were in sympathy with the local union men on strike but that they had agreed to make every effort to maintain order and suppress any disturbances. Also advised that there was a strong undercurrent of sentiment and that there would be trouble of a serious nature if this company continued to operate this mine with none-union labor under the protection of imported armed guards. Advised that two workmen who had arrived in Marion Monday morning, June 19th, for the purpose of working at this mine had been ordered

to leave town by a crowd of union miners. When they were informed the crowd of union miners that they did not know the conditions at this mine and had been misinformed about it being operated on a non-union basis, stating that they were union men but did not have enough money for railroad fare back to Chicago. The union miners then made up a purse and bought them tickets to return to Chicago. Advised that Sheriff Thaxton was a candidate for County Treasurer and that I had little confidence in his expressed determination to do anything or take any steps that would incur any possible dislike from the union miners on strike; that in my opinion the union labor vote of Williamson County was about 75 or 80 per cent of the total vote and for that reason I doubted very much if he would exert himself to any great extent in protecting the property of the Southern Illinois Coal Company. In view of this feeling, I advised you that it would be well to hold in readiness Company K and Company I of the 130th Infantry for any emergency which might arise and which I felt certain was inevitable if Mr. Lester carried out his determination to operate his mine."

Did you report all of this to Adjutant General Lack over the telephone?

A. Yes, sir.

Q. What, if anything, did Black say to you after you had reported all of that information to him?

A. He told me he couldn't send troops until requested by the civil authorities and then I advised him to hold two companies in readiness.

Q. He told you he could not send troops until requested by the civil authorities?

A. Yes, sir:

Q. You found out that the civil authorities did not want troops down there, didn't you?

A. Yes, sir.

Q. There was a time when the State's Attorney told the Sheriff that he would advise them never to call for troops?

A. If he were Sheriff he would not ask for them under any circumstances.

Q. Duty was familiar with ~~anything~~ everything that happened there?

A. I take it he was.

Q. He was in and around there?

A. He was State's Attorney of the county.

Q. And the Sheriff was in and around there?

A. Yes, sir.

Q. How far from Marion, the county seat, is this mine where the trouble occurred?

A. About four and one-half miles.

Q. What direction from Marion is this mine located?

A. In a westerly direction. A little northwest of Marion towards Herrin.

A. Yes, sir, between Marion and Herrin.

Q. About mid-way?

A. Just about.

Q. And how far is Herrin from Marion?

A. About nine or ten miles.

Q. And this mine is about midway between?

A. Yes, sir, about.

Q. And is there a direct road running from Marion to this mine?

A. There is a diverting road.

Q. Is there a direct line from Marion to Herrin?

A. No, sir.

Q. To go from Marion to Herrin would you pass the mine?

A. You could, but there is a better road.

Q. Would you pass the mine on the better road?

A. Not very close, perhaps a mile of the mine.

Q. Now, that was the first time the Adjutant General told you you could not have troops down there unless the civil authorities requested them?

A. That was the first time, yes, sir.

Q. And then you told the Adjutant General to hold in readiness two companies of the 130th Infantry?

A. Yes, sir.

Q. That is the Infantry of which you were Lieutenant Colonel?

A. I was.

Q. And do you know whether or not he held them in readiness?

A. He told me he ~~was~~ did since then.

Q. Did you know at that time?

A. I accepted his word for it, that he would mobilize them.
Q. In other words, there was a company at Mt. Vernon, was there not?

A. Yes, sir.

Q. How far is that from the mine?

A. About 45 or 50 miles.

Q. How far is Salem from the mine?

A. I judge about 80 miles.

Q. And how far is Cairo from the mine?

A. About 60 miles.

Q. You were informed, I take it, that companies were held in readiness at each of those towns?

A. Yes, sir.

Q. Approximately how long ^{would} ~~did~~ it take a company to get from Cairo to the mine?

A. On a special train, about three or four hours.

Q. How long would it take to mobilize a company in Cairo?

A. In the evening about one and one-half hours.

Q. Plenty of trains available?

A. Ordinarily pretty good train service.

Q. A terminal?

A. Main line of the Illinois Central.

Q. How about Salem?

A. Yes, sir, that is a railroad center on the C. & E. I.

Q. How about Mt. Vernon?

A. Good train service out of Mt. Vernon.

Q. It wouldn't take them over three or four or five hours to get these three companies down there?

A. Approximately between three or six hours.

Q. Do you know why they were not sent?

A. No, I do not.

Q. Did you say or do anything that would with-hold them from the sending of these troops?

A. No, sir. I was repeatedly advising them to send them.

Q. Did you want the troops at Herrin?

A. Yes, sir, it was my plan to take them out of Herrin.

Q. On side of the Adjutant General's statement to you that he would not send troops unless the civil authorities called for them, do you know of any other reason why the troops were not sent?

A. No, sir. Not of my own knowledge, no sir.

Q. Senator Sneed in there about that territory all the while?

A. He was in Marion on Monday, the 19th and went to the mine with me, then I understand he left Herrin that night and came to Springfield.

Q. He was at the mine, when?

A. Monday, June 19th.

Q. That was the day after you reached Marion?

A. Yes, sir.

Q. When did he return to that territory?

A. I think the riot was over when he returned.

Q. The riot occurred on when?

A. Started on Wednesday and ended on the 22d.

Q. Sneed was there at the time these miners held a meeting at Sunnyside mine?

A. I am not positive. I think he was in Herrin. Yes, he was in Herrin on Tuesday. I think he left Herrin Tuesday afternoon.

Q. That was the date a meeting was held concerning there was some suspicion as to what occurred?

A. At the Sunnyside Mine. I want to correct that. I think he left Herrin on Tuesday afternoon or evening.

Q. You heard some rumors as to what had been planned that night

A. It was referred to as an indignation meeting.

Q. By the way, what is a strip mine?

A. It is a mining proposition where they uncover the coal, strip the dust off of the coal instead of sinking a shaft.

Q. And as I understand it, the men who operated those were operators of a union?

A. Steam Shovelers' and Dredge-men's Union.

Q. Was there a coal strike on at that time?

A. Yes, sir. A suspension was on. They did not call it a

strikes. The men would not work in the mine and the operators were not operating them. They uncovered coal with union men and when they got coal stripped, they discharged the union men and hired non-union men.

Q. Didn't those men claim they belonged to some union?

A. They belonged to Steam Shovelers'.

Q. Was there not a telegram received there that these men belonged to an out-law association?

A. Yes, sir.

Q. Who got that?

A. Senator Sneed.

Q. How soon did he get that telegram before the riot occurred?

A. The day prior.

Q. He got it on Tuesday?

A. Tuesday.

Q. That was the day the meeting was held at Sunnyside mine?

A. Yes.

Q. That telegram was read there, wasn't it?

A. I could not say.

Q. Did you ever hear a telegram was read at that meeting, stating that this was an out-law organization and that they ought to be treated as outlaws?

A. That was received, but I could not verify that?

Q. Have you a copy of that, Mr. Chairman?

CHAIRMAN: No, I have not. Have you a copy of that, Mr. Hunter?

COLONEL HUNTER: I may have. (Looks through papers) I am reading now a copy of a telegram contained in a pamphlet issued by the National Coal Association:

"Indianapolis, Ind.,
June 19, 1922.

"Wm. J. Sneed, President,
Sub-District 10, District 12,
U.M.W. of A.

Your wire of the 18th. Steam Shovelers' Union was suspended from affiliation with American Federation of Labor some years ago. It was, also, suspended from the Mining Department of the American Federation of Labor at the Atlantic

City Convention. We now find that this out-law organization is permitting its members to act as strike breakers at strip pits in Ohio. This organization is furnishing steam shovel members to work under armed guards with strike breakers. It is not true that any form of agreement exists by and between this organization and the Mine Department or any other branch of the American Federation of Labor, permitting them to work under such circumstances. We have, through representatives, officially taken this question up with the officers of the Steam Shovelers Mens' Union and have failed to secure any satisfaction. Representatives of our organization are justified in treating this organization as an out-law organization and in viewing its members in the same light as they do any other strike breakers."

Q. Was that telegram published down in Marion about that time?

A. I think it was published the evening of June 20th.

Q. That was two days before the riot occurred out at the mine?

A. That telegram was signed by John L. Lewis.

CHAIRMAN: Would it be satisfactory to take a recess now of about ten minutes?

(Recess of ten minutes taken at this time)

MR. IGOE: Now, Colonel, in addition to the time which has already been mentioned in the testimony wherein General Black told you that troops would not be sent unless civil authorities requested them, was there any other date when you received similar advice from General Black?

A. Outside of my reports?

Q. No, your reports. In other words, did he give you that advice more than once?

A. Yes.

Q. When was it you received the advice the second time?

A. Practically every time I talked with him he told me troops would not be sent until requested by local civil authorities.

Q. Do you remember with how many conversations you had with General Black on June 21st?

A. On June 21st, I had three or four, I think.

Q. Do you know from where those conversations were held? Where were you?

A. I was in the office of Mr. Edrington of Greater Marion Association.

Q. Did you talk over the telephone from his office, that is

Mr--

A. Mr. Edrington, who is the Executive Secretary of the Greater Marion Association.

Q. As I understood it, you were making his office your headquarters?

A. Yes, sir.

Q. What position, if any, did he occupy with relation to this movement of citizens you were attempting to organize down there?

A. Being Secretary of that Association he was taking the lead in the organization of that citizens committee.

Q. He was sort of an organizer among citizens?

A. Yes, sir.

Q. Why was it necessary to organize citizens?

A. We were not getting any cooperation from the Sheriff.

Q. Did you advise the Sheriff he ought to appoint several additional deputies?

A. Yes, sir.

Q. Did you learn that he did not appoint those deputies?

A. That is my--

Q. So far as you know he never appointed any additional deputies?

A. So far as I personally know, no sir.

Q. The conversation you had with General Black on Wednesday, June 21st, as I understand it, were conversations held while you were talking over the telephone in the office of Mr. Edrington at Marion?

A. Yes, sir, Mr. Edrington was sitting across the desk from me.

Q. Was he present at the different times you talked with General Black?

A. He heard practically every conversation.

Q. Was there any one else?

A. On Wednesday, evening there was a crowd in and out.

Q. Was it on Wednesday afternoon that you requested General Black to send the troops and General Black told you to let the damn fellows go to it?

A. Yes, sir.

Q. That conversation was held while you were in Mr. Edrington's office?

A. Yes, sir.

Q. You are positive you had that conversation with Black?

A. Absolutely.

Q. And you are positive you made that request for troops of him?

A. I made request of General Black for troops in every report I made to him prior to the massacre.

Q. Did you, also, report to him the different things that had occurred at Marion upon that particular day?

A. Yes, sir.

Q. Did you report to him that non-union workmen on their way to the mine of the Southern Illinois Coal Company had been attacked?

A. I reported that to the General, yes, sir.

Q. Did you, also, report to him the organization of miners visiting the stores and getting ammunition and guns?

A. I reported that to him, yes, sir.

Q. And did you, also, report to him that two union men had been killed?

A. I did, yes, sir.

Q. And after you had reported those different events, did you make any request upon him for the sending of troops?

A. I told him they were needed, that the Sheriff was not acting. He could not be found; was out of the county,

Q. And that was on those ~~xxxxxx~~ times, on Wednesday June 21st?

A. Yes, sir.

Q. If the troops had been sent to the scene of trouble at that time, would not, in your opinion, the trouble have been averted?

A. I think it could. I was intending to take the troops, place those guards under military arrest. They were not in the peace of the people.

Q. Do you think, as a military man, had the troops you requested, been sent to you, could you have handled the situation properly?

A. I think I could.

Q. Were the troops ever sent down there?

A. No, sir. Major Davis and myself were the only two troops in the county.

Q. You say Judge Hartwell was with you on the 22d when you visited the scene of the killing down there?

After
A. If the killing had occurred, yes, sir.

Q. That is the Judge that presided at the recent trial at Marion?

A. Yes, sir, that is the same Judge.

Q. And he went all over the situation with you?

A. Yes, sir.

Q. Did you ever talk with Mr. Lester over the telephone?

A. Yes, sir, on Wednesday.

Q. Did you make any suggestion to him with relation to calling troops?

A. Mr. Lester called me on long distance when I was in the office of Mr. Edrington and requested me to send troops. I told Mr. Lester that I did not have the authority of my own account to order the troops out because I had been keeping the Adjutant General advised of the situation and suggested to Mr. Lester that he call General Black.

Q. Did you tell him to call either Black or Sutton?

A. I believe I mentioned both of them.

Q. Do you know whether he ever called them?

A. I am told he called the General shortly after he talked with me.

Q. Who told you that?

A. General Black told me.

Q. He told you Mr. Lester had called him and requested troops?

A. Yes, sir.

Q. That was on the afternoon of June 21st?

A. Yes, sir.

Q. Did General Black call you after Lester had talked to

him and did you tell Black there was not any need of sending troops down?

A. I never did. I told General Black that after the riot was over. Black insisted that troops be sent in. I told him it was foolish to send troops in after the ~~battle~~ battle was over,

Q. Was that the first time you told him it was a mistake to send troops there?

A. Yes, sir.

Q. At any time on the 19th, 20th or 21st did you tell Black the situation was satisfactory and no need for troops?

A. No, sir.

Q. On June 21st, did he tell you Mr. Lester had called him up and requested troops?

A. He told me afterwards.

Q. On June 21st did he call you on the long distance telephone and relate to you a conversation which he had had with Mr. Lester, wherein Lester requested the sending of troops and that you told Black at that time that troops were not necessary?

A. Absolutely not.

Q. Had that conversation ever occurred between you and Black?

A. No, sir, never did.

Q. Did General Black ever call you on the telephone in addition to the times you called him?

A. No, sir. I always did the calling.

Q. Was there any telephone calls between you and General Black at that time, before the riot, except ones you put in at Marion?

A. No, sir.

Q. As I understand it, no time did General Black put in a call and get you on the long distance telephone?

A. No, sir.

Q. All the calls originated with you?

A. Unless Major Davis talked. The only times I talked to General Black prior to the massacre, on June 22d, I placed the calls.

Q. Now, on the night before this killing occurred, as I understand it, you conferred with the Sheriff and different persons at Marion?

A. Yes, sir.

Q. And it was planned to go out to the mine the next morning?

A. Yes, sir.

Q. A truce had been arranged?

A. Yes, sir.

Q. And one of the terms of the truce was that they were to cease firing and in the morning the non-union men were to be taken out safely and placed aboard trains to be taken to another part of the county?

A. Yes, sir.

Q. Did the Sheriff understand about that?

A. Yes, sir.

Q. The State's Attorney?

A. Yes, sir. We were in the office together.

Q. What office?

A. Mr. Duty's.

Q. State's Attorney's Office?

A. Yes, sir.

Q. As I understand, you and Major Davis went to the Sheriff's office at 6 o'clock the next morning?

A. Thursday morning, yes, sir.

Q. Did you find the Sheriff?

A. Not until 8:30.

Q. Where was he?

A. Walking across the square.

Q. Do you know where he had been previously?

A. To 8:30? No, sir, I do not.

Q. Did you ever find out?

A. I do not think I did.

Q. At 8:30 what did you and the Sheriff and Major Davis do?

A. We got in the automobile and drove to the scene.

Q. Did you request the Sheriff to go with you the night before?

A. I suggested it to him that he take deputies and all go out

to see if we could not see that the truce was observed.

Q. There had been a fight on June 21st?

A. Yes, sir.

Q. Two union men had been killed?

A. Three union men.

Q. At that time was it not suggested that deputies accompanied by the Sheriff, yourself and Major Davis, ought to go to the mine that night?

A. I suggested that myself. Major Davis and I agreed and suggested it to the Sheriff.

Q. What reply did the Sheriff make?

A. He said he had deputies at the mine already who would see that the ~~dixation~~ truce was carried out.

Q. Do you know whether or not he had deputies there?

A. No, sir, I do not.

Q. I suppose you have seen in the papers the statement of General Black to the effect that you never made these requests for troops of him?

A. I have not read his testimony. I did not hear it.

Q. You perhaps remember when this report, marked Exhibit 9, was first disclosed before the Appropriation Committee of the House?

A. I remember the time, yes, sir.

Q. That was during the present session of the General Assembly?

A. Yes, sir.

Q. What, if anything, has occurred between you and General Black with relation to this report since some publicity has been given to it?

A. Well, he asked me one day if I would change, ~~thax~~ revise, rewrite, or write a supplement to it.

Q. General Black asked you to change, re-write or revise the report as it now stands?

A. Yes, sir.

Q. What did you say to him?

A. I told him I would give it due consideration.

Q. ~~thax~~ Have you ever changed or revised the report?

A. No, sir.

Q. Is there anything in that report to be revised?

A. No, there is not in to be changed.

Q. Is that report correct in every particular?

A. Yes, sir.

Q. Is the report which is marked Exhibit 9 based upon the original notes from which you read in your note book when you were examined on your direct examination?

A. That is much in detail, yes, sir.

Q. Is the report marked Exhibit 9 substantially based upon the original notes which you read when you were under direct examination?

A. Yes, sir.

Q. Now, with relation to the time the House adopted the resolution under which this Committee is operating, I will ask you whether or not the request of General Black for you to change or to revise this report was made before or after the time the House adopted that resolution?

A. After.

Q. I think that is all.

CHAIRMAN: Where and when was that request made of you?

A. It was made a week or ten days ago, perhaps two weeks ago.

Q. Where?

A. In General Black's private office.

Q. Anybody else there besides you or General Black?

A. No, sir. He sent his secretary over to me and asked me to stop in, the General wanted to see me, and I went in and he suggested that I revise or supplement this report to the effect that troops never were requested.

Q. What did you say in regard to that request?

A. I told him I would give it due consideration.

Q. What did you mean by that?

A. What I really meant was I had in mind the report would never be revised by me.

Q. Why did you not tell him that?

A. It never occurred to me.

Q. Did he tell you in what way the report was incorrect?

A. No, sir, he did not. He did not say the report was incorrect, then he just wanted me to revise it.

Q. With reference to the request for troops?

A. Request for troops and no other particular.

Q. Is that the only other time you talked with him?

A. I talked with him regarding other things.

Q. I meant in this regard?

A. That is the only time, yes, sir.

Q. At the time you talked with Adjutant General Slack on the phone on Wednesday evening, did you tell him at that time that Lester had called you from Chicago?

A. Yes, sir.

Q. Is that in your report?

A. I think you will find that in my report. I transmitted Lester's request for troops and, also, McDowell's.

FURTHER EXAMINATION BY MR. PIERCE.

MR. PIERCE: Colonel, from your observations made down there at Herrin during the hearing you testified prior to this riot upon investigations you made, reports from officials and other civilians, you know of the character of men that were doing the work at the mine, were in control of the mine, patrolling the mine, what were the actuating causes that lead up to that riot?

A. I would say that that riot was precipitated or incited by the actions, unlawful actions of those detailed guards on the public highway around the mine, the open flaunting of arms.

Q. What did you learn with reference to their conduct, of concrete events that might have actuated or incited that riot or enflamed the populace there around and about there?

A. I had several instances reported to me in which the guards held up, intimidated the travelers on the highway around the mine there, and in some instances were abusive, using violence. That all had a tendency to incite the riot, especially at that time of the suspension of work on them.

Q. Do you think the fact was generally known by the Union miners and the people in that vicinity, that there was contained and stored in and about that mine, a considerable amount of ammunition and guns?

A. Yes, that became very commonly known around there. They had a young armory out there. That was the common expression heard.

Q. Did you learn of any specific instance of personal insult by any of the guards at that mine by any civilians?

A. Yes, I heard of three specific instances.

Q. Will you state what they were?

A. One was three or four young men driving over that road one evening were halted, ordered out of the automobile, told to hold up their hands. They did. They were searched. One of them became tired, dropped his hands to his side and one of the guards hit him in the face and over the head a time or two.

Q. What were the other two instances?

A. Then I heard of reports of other people being held up on that road. I cannot just remember the names of others. I heard of several instances.

Q. Your opinion is that the Sheriff did not do his duty? That he was delinquent in the discharge of his duty under the conditions that existed there?

A. I think he was, yes, sir.

Q. Do you not believe that the advice that was given the Sheriff by the State's Attorney, the prosecuting attorney there, as to what he considered ought to be done, or ought not to be done, had something to do with fixing the opinion or action of the Sheriff?

A. More than likely it did, he being the chief legal advisor of the county or county officials?

MR. PIERCE: That is all.

CHAIRMAN: Anybody else any questions? You have finished, Mr. Pierce?

MR. PIERCE: Yes, sir.

CHAIRMAN: I guess that is all then. Now, all of the exhibits offered in evidence are adopted and go in as a part of the record.

In this matter unless there is some objection.

MR. RICE: Mr. Chairman, as I understand it, that when the reporter writes up the transcription of this record, that the exhibits will be copied into the record in their order and then, of course, the exhibits as presented here ought to be held for inspection of anybody else?

CHAIRMAN: They will be returned to me for my files.

MR. RICE: If they are made a copy of the record, the copies ought to be returned to the individuals. We get a correct copy of it. We do not attach the originals as a part of the record because we have a copy of them. These exhibits, perhaps, ought to be returned to the individual witnesses. They will be subject to the order of the committee at any time.

CHAIRMAN: It is understood they are offered and incorporated into the evidence in the matter.

MR. PIERCE: The committee, I suppose, has power at any time to permit the with-drawal of these?

CHAIRMAN: If there is no objection, after talking with all of the members of the committee, Mr. Frank Leonard will be Sergeant of Arms of the Committee. and

MR. RICE: I move that Mr. Frank Leonard be appointed as Sergeant of Arms of this Committee, to be under the direction of the Committee.

MR. PIERCE: I second the motion.

(Motion put by Chairman and carried)

CHAIRMAN: We will adjourn to Wednesday, at 12 o'clock. That is April 18th.

COLONEL FRANCIS M. ALLEN,

having been first duly sworn, was examined in chief by Chairman McCarthy and testified as follows:

- Q. State your name, please.
- A. Francis M. Allen.
- Q. Where do you live, Mr. Allen?
- A. In Chicago.
- Q. How long have you lived in Chicago?
- A. About 40 years.
- Q. Do you hold any position in the National Guard in the State of Illinois?
- A. Yes, sir.
- Q. What position do you hold?
- A. Colonel of the 131st Infantry.
- Q. And how long have you held that position?
- A. Since last July.
- Q. What position did you hold during the month of June, 1932?
- A. Lieutenant Colonel of the same regiment.
- Q. Were you a member of the Committee sent down by the Governor under charge of General Foreman to investigate the happenings at Herrin?
- A. Yes, sir.
- Q. And you arrived at Herrin or Carbondale about the 24th of June?
- A. Yes, sir.
- Q. Just state to the committee what happened after that time, what you did.
- A. At the arrival at Carbondale, I think about 4:30 in the morning on Friday, June 24th, we were met, the entire board were met by Colonel Hunter. A general conversation took place. We were introduced to Colonel Hunter and from there we went out to the mine.
- Q. The Herrin Strip mine?
- A. The Herrin Strip mine, came back to the town of Herrin where we made investigation and then went to Marion and preceded

further with investigations.

Q. To make investigations, what do you mean? Hear citizens?

A. Yes, sir.

Q. And at Marion you interrogated the Sheriff, State's Attorney and citizens just referred to by Colonel Swanton?

A. Yes, sir.

Q. Do you know whether or not any report was made of that investigation?

A. I believe there was, sir.

Q. Do you know how that was transmitted to the Adjutant General?

A. By telephone from Marion.

Q. And that is incorporated in the exhibit here marked Exhibit A of May 14, 1923?

~~Answer~~ Yes, sir.

MR. HOWE: (Attorney to Adjutant General) I don't know Colonel Allen has ever seen it.

A. I think I have. (Looks at document) Yes, sir, that is the original.

CHAIRMAN: In the process of your investigation did you or your committee have any conference or conversation with Colonel Hunter?

A. The entire board had a general conversation with Mr. Hunter at various times.

Q. State what, if anything was said as to the necessity for troops at that time or concerning the calling or not calling of troops previous to that time.

A. I don't recall any conversation relative to troops at either one of the times. I recall this statement that Colonel Hunter made when we first met, that the Sheriff had advised him that there had been no need of troops before he came there.

Q. Did he state whether, in his opinion, troops should have been called or should not have been called?

A. He made no statement of that kind in the presence of myself to the best of my knowledge.

Exhibit A.

May 14, 1923

TELEPHONE CONVERSATION WITH SPECIAL AGENT J. P. HARRIS,
AT HERRIN, ILLINOIS. TIME: 11:45 a.m.
June 24, 1922.

Special Agent:

We went direct from Carbondale at 4 o'clock this morning to all the mines and the destruction is complete. After making an inspection, we went to Herrin. There we talked with following persons:-

Hugh Willard, Vice-President of United Mine Workers of America;
The Mayor of Herrin;
Judge E.E. Morgan;
P.R. Knoll of Herrin News;
D.C. Grier of the Herrin Journal;
G. L. Lyarla of the Herrin State Bank;
R.C. Anderson, Arbitrator,
Mr. Willis, who is District Vice-president,

of very excellent reputation and he and all others that we interviewed in that town and many were interviewed whose names were not given, assured us that the trouble was definitely over unless an attempt was made to produce coal by non-union labor.

The Lester Mine was operated by men who did not know conditions. That the old established mines were not in sympathy with their attempt to produce coal. Lester had permission from the mine workers to strip dirt from his mine and when that was done, he discharged the union men and then proceeded to mine coal with imported labor.

They all agree that if no attempt to mine coal is made, no further need of fear should be anticipated. Mr. Willard, Sub-District Vice-President of the Mine Workers, gave permission to keep maintenance men in the mine. Bosses and clerks and pump men and engineers, and assure us that they will not be troubled and they will be protected. Same information as given by the men who we have interviewed in Herrin. The only difference is that the men who operated the Lester Mine have an interest in that mine. It is believed here that for the

time being it would be unsafe for those men to come back.

We have talked at Marion with the following:-

Edrington, Secretary of the Marion Association,
J.B. Mitchell, Superintendent-Earnest Coal Company.
Malvin Paxton, Sheriff,
C.F. Miles, a merchant,
Mr. Duty, State's Attorney.
Mr. Passey, Editor of Marion Evening Post.
Mr. Paisley, Editor-Daily Republican.

They have all agreed that there is no reason for a prehension unless an overt act is performed. No occasion to consider at this time the matter of sending troops. We are going to take 1:15 o'clock train from Carbondale to Chicago and when we are there, we will call you up again.

GENERAL BLACK:

I want to ask you a couple of questions, General.

QUESTION:

Do you think that the sheriff has performed his duty as far as his ability would permit?

GENERAL FOREMAN:

From what little I gather, I think he has very little ability and no "guts", and in view of that, we have asked a responsible person at the first indication of anything to communicate with the Adjutant General at once, and not wait for the sheriff. The State's Attorney and the newspaper men will communicate with you at any indication which gives any reason. Inquest is tomorrow and they assure us that there is no need of apprehension on that account.

The Mayor of Marion has a special guard around the Hospital where the wounded are.

GENERAL BLACK:

What is your information regarding number that were killed and number wounded.

GENERAL FOREMAN:

Nine (9) men in the Hospital and I should say as far as we have been able to find out 25 killed.

GENERAL BLACK:

I would like to ask you this question.

In your opinion was there any reason that this uprising could have been anticipated?

GENERAL FOREMAN:

They say that it could not.

The cause of the uprising was shooting of two union miners on Wednesday afternoon. These two miners were clad in civilian clothes and wearing straw hats. Were going to that mine to induce the miners to quit and when about 1/2 mile or more from the mine, they were killed by the mine guards. Then crowd gathered from various towns and, of course, nobody assumes responsibility but it is attributed to the irresponsibility of those that came from some other town. They claim that the mining company had the coal controlled and that they stopped everybody that came in their direction of the mine. The State's Attorney himself was stopped by an armed guard who demanded to know what their business was and where they were going. This was told in connection with the claim that the two unarmed miners were killed by the mine guards.

GENERAL BLACK:

In your opinion has everything been done by the state that could be done to forestall any of this trouble?

GENERAL FOREMAN:

Yes sir. It is the opinion of the board that it could not have been anticipated.

GENERAL BLACK:

I have a telegram here from Attorneys for Southern Illinois Coal Company. I received this wire this morning.

GENERAL FOREMAN:

The machinery has been wrecked. It is said to have been taken at the time of the mob was marching prisoners away. Whether they got arms, I do not know. There can be no doubt that it be dangerous for mining people to come here.

And that the people with whom we talked say it would be inexpedient to send troops in here. That is general opinion. It is my opinion if they sent men to repair machinery, it would require troops. Mine now is purely one of judgment if they send any one to repair salvage and machinery, it is likely to produce trouble. Then I will reply and say that machinery is broken and there is no chance for men to salvage anything at this time. If they send men in now to salvage it, it is likely to produce trouble. So far as wounded are concerned and dead, it does not appear to be one of possibility of not being handled by the sheriff.

GENERAL BLACK:

Can the sheriff handle the situation?

GENERAL FOREMAN:

If the Governor requires him to do it, he will do it and you may have no doubt about it. I think the citizens want this thing smoothed over entirely and will assist sheriff in taking care of the situation.

GENERAL BLACK:

In your opinion has the reports of Colonel Hunter and Mr. Medill been correct?

GENERAL FOREMAN:

Have not seen reports.

GENERAL BLACK:

Medill's report of yesterday is as follows:-

(Reading telegram of Medill).

GENERAL FOREMAN:

That is universal opinion of the people here.

GENERAL BLACK:

That is the substance of Colonel Hunter's recommendation.

GENERAL FOREMAN:

It is exceedingly quiet in streets and countryside and in circulating around with the citizens on the streets, we found nobody who thought that there would be any trouble except in the contingencies as I have related them to you. They all agreed that they cannot prophesy nor can we.

GENERAL BLACK:

What would be your recommendations in regard to action of troops?

GENERAL FOREMAN:

Would send troops home.

GENERAL BLACK:

Alright, I will so communicate that to the Governor.

GENERAL FOREMAN:

We will get 1:15 o'clock train for Chicago and get home at midnight.

GENERAL BLACK:

I will be in the office tomorrow morning.

Q. Just to get a little information that I am not certain about. This report that you have identified was a report by telephone from Marion to the Adjutant General?

A. Yes, sir.

Q. And who made the telephone call, did the talking?

A. The Division Commander, General Foreman, sir.

Q. Now, then, you were present were you at the time?

A. Yes, sir.

Q. Prior to the time when this telephone communication took place had this report been written out and each of you members of this investigating committee had an opportunity to know its contents?

A. The entire investigation committee had gone over it and notes made of it and formulated in our presence before it was telephoned into the Adjutant General's office.

Q. There was a written report made up?

A. A written basis for it.

Q. As I understand it, in military practice, as you are performing your duties and investigating, you keep minutes by the day and hour as to what you are doing?

A. As near as we can, sir.

Q. Was it from those minutes a memoranda was kept at the time you did those things from which this report was telephoned?

A. It was from the information we gathered and notes we had made.

Q. But there was really no written memoranda with that you all, as members of the committee, examined and then heard Colonel Foreman telephone that memoranda?

A. It was a general report formed in the minds of the entire board and accepted by the board and telephoned to the Adjutant General's office.

Q. Oh, yes, then, I gather that the words used by General Foreman was a report made by him as of the opinion made by all of you?

A. Yes, sir.

Q. Nothing in writing at the time?

A. No, sir.

MR. BRENNAN: This report that you have identified here has been made by General Foreman under the supervision of the different members of this committee, is true, as far as you know?

A. Yes, sir.

MR. HOWE: Just one minute: I wish to ask you whether Colonel in your present, or any time, stated during these various conversations, that he had at that time requested that troops be sent to that vicinity?

A. He did not.

Q. Did he at any time make the statement that the Adjutant General had told him troops could not be sent except by request of civil authorities?

A. He did not.

MR. BRENNAN: Just a moment. You testified the question of troops had not been discussed between you and Colonel Hunter?

A. That does not say I had a talk with the Colonel.

Q. So Colonel Hunter did not say he did ask you, or did not ask you -- in other words, he did not say anything about that matter?

A. Nothing, in a personal way.

MR. HOWE: I will ask the Chairman to read that letter with a view to introducing it, if I may. (Chairman reads letter Mr. Howe hands to him.)

MR. BRENNAN: Who is that letter addressed to?

CH. BRENNAN: Colonel Thomas Francis Howe.

MR. BRENNAN: That is one of the attorneys in the case. If I may be permitted to make an objection to a letter addressed to an attorney that could be offered, that could not have any more effect than to be self-serving. Then, if that may be permitted, Mr. Brennan, representing Colonel Hunter could, perhaps, have 100 similar letters from people in Madison and Herrin.

MR. HOWE: In answer to that, I will call the committee's attention to the fact that in Colonel Hunter's testimony he was

allowed to introduce letters to him. The judge said, therefore, I thought it was permissible to show why General Foreman was unable to appear here today.

CLAIMANT: The record would be less obscured with a letter than it would be with an argument and I am going to let the letter go in for what it is worth.

THE COURT: I offer it in evidence.

A. It may be marked Exhibit B of May 14, 1932 and admitted in as recorded.

WITNESSES: I have been subpoenaed to court, May 14, 1932, and admitted as a part of the record.

CLAIMANT: That is all.

Exhibit 13.

May 14, 1923

HEADQUARTERS 33RD DIVISION
230 EAST OHIO STREET
CHICAGO

MAJOR-GENERAL MILTON J. FOREMAN
COMMANDING

COL ALBERT A. SPRAGUE
CHIEF OF STAFF

May 9, 1923.

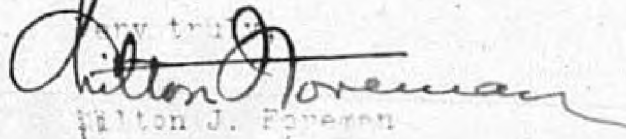
Col. Isaac F. Ross,
Rear, Fortium Kremer,
Irituna Building,
Chicago, Ill.

Dear Colonel:

In response to your enquiry, I beg to advise you that Colonel Hunter did not at any time state to any of the members of the Board of Officers of the 33rd Division who were at Herrin and Marion, Illinois, on June 24, 1922, that he had requested the Adjutant General or any person in the office of the Adjutant General to send troops to the Herrin scene of disturbances.

I make this statement for and on the authority of all the members of the Board of Officers.

I am leaving for Europe on May 15, 1923, to be gone for an undetermined period and you are at liberty to use this letter as you see fit.

Very truly,

Milton J. Foreman

MSF/37.



May 14, 1923.

SPRINGFIELD, ILLINOIS

AT

HOUSE OF REPRESENTATIVES

BEFORE THE SELECT INVESTIGATION COMMITTEE

TESTIMONY OF WILLIAM E. SAMSON

present: Committee on Investigation of Herrin Massacre.
Attorneys for Colonel Hunter and General Black.

WILLIAM E. SWANSON,

having been first duly sworn, was examined in chief by Mr. Howe,
Attorney for General Black, and testified as follows:

Q. What is your name, please?

A. William E. Swanson.

Q. And your occupation?

A. President of the Chicago Coach and Cab Company.

Q. What connection, if any, have you with the National Guard?

A. At the present time Colonel of the 132 Infantry.

Q. How long have you been in military service?

A. 26 years.

Q. Were you a member of the Board of Officers appointed by
the Governor to investigate what is known as "The Herrin Massacre?"

A. I was.

Q. Who constituted that board?

A. General Foreman, Colonel Allen, Colonel Richmond, Major
Durand, Major Dolan and myself.

Q. Did you go to Herrin and Marion and the Lester Strip Mine?

A. I did.

Q. At what time, what date?

A. June 23, as I recall it, 1922.

Q. Did you meet Colonel Hunter while there?

A. I met him in the morning, in fact, Colonel Hunter met us at
the train at 4:30 A. M.

Q. How long were you there?

A. All that day until approximately 10 o'clock at night.

Q. Were you with Colonel Hunter more or less constantly during
that time?

A. Off and on all during the day.

Q. Did you have conversations with Colonel Hunter relative to
this affair?

A. I did.

Q. What, if anything, did Colonel Hunter say as to what he had thought of the necessity of bringing troops to Herrin?

A. Colonel Hunter said he did not think troops were necessary.

Q. I am asking you not what he thought at that time but what he had thought. Did he state what had been his opinion prior to the massacre as to the necessity of bringing troops from Herrin?

CHAIRMAN: I would rather you would be a little-- I would rather you ask if he had a conversation with Colonel Hunter as to whether or not, as to why troops had not been called and what was said in those conversations.

MR. CUE: Take the question as the witness Chairman stated.

A. Do not recall any conversation with Colonel Hunter as to why troops had not been called.

CHAIRMAN: Any conversation regarding troops?

A. The general conversation was that the situation was well in hand and it had not been deemed necessary to ask for troops.

MR. BREMAN: May I ask to raise objections along the lines suggested only as to conversations not what impressions were.

CHAIRMAN: If you will pardon me, just a minute. You say you saw Colonel Hunter on the 23rd?

A. On the 24th, I left on the 23rd.

Q. Now, when you saw him on the 24th, did you discuss with him the events that had occurred during the two or three days previous to that time?

A. Not personally, no sir.

Q. Did you have any conversation with him as to what had transpired? leading up to the massacre?

A. As a member of the board, yes.

Q. Just state what your conversations were.

A. As near as I can recall.

Q. Or conferences, as you call them.

A. There was no occasion for ~~discussions~~ ^{troops} because the situation was well in hand and the unfortunate affair that happened was the cause of a flare up by an irresponsible person.

Q. Were the reasons stated why there was no necessity for troops?

A. Because of the situation being well in hand. He felt it abated considerably, to such an extent that they would not require troops.

Q. Was anything said about a truce?

A. Yes, sir. Colonel Hunter said he had arranged for a flag of truce and that was one reason he felt as he did about the situation in general.

MR. HOWE: Did Colonel Hunter at that time state he had requested the Adjutant General to send troops?

A. He had not.

Q. Did he make any statement to you as to what his opinion had been as to the necessity of bringing troops into Herrin, his own statement?

A. Except the statement any person might say and he did not say that troops were required.

Q. Did he say anything to you and I mean to yourself or to these other officers assembled in conference, did he say anything relative to the fact that the Adjutant General had told him that troops could not be sent unless requested by civil authorities? P

A. No, sir. He had not.

MR. BRENNAN: Q. You say you went down there about the 23rd or 24th after the Massacre?

A. Yes, sir.

Q. At whose request?

A. By order of the Division Commander, sir.

Q. For what purpose?

A. For the purpose of determining conditions or analyzing conditions, making the survey of the situation as it was then.

Q. What did you do in the line of your duty to analyze the situation and make survey.

A. Talked to various citizens that were assembled there. Colonel Hunter, as I recall it, brought in various citizens of the community and talked to this board as a whole, approximately

sight in Berlin and haven't in Berlin.

Q. As a part of your duties, did you call a meeting of any kind and hear testimony from different citizens?

A. Yes, sir.

Q. Was Colonel Hunter on the ground?

A. To the best of my knowledge, he was.

Q. Did you know Colonel Hunter?

A. Yes, sir.

Q. Did you know in what position he was there?

A. As a representative of the Adjutant General.

Q. Did you ~~call~~ ^{call} him before that Committee for investigation, your committee?

A. No, sir.

Q. Why not?

MR. HOWE: I object to that.

CHAIRMAN: If there is any reason why you did not call Colonel Hunter you may state it.

MR. HOWE: This gentleman on the stand is only one member of this board and not the presiding official and I don't think he would be competent to say as why or why not.

MR. BRENNAN: Why not?

A. I don't know.

Q. Did you talk with Colonel Hunter about the situation as it happened, individually or as a member of the committee?

A. As a member of the committee.

Q. Just tell the committee what Colonel Hunter told you, if anything, about his not sending for troops or otherwise?

A. There was nothing discussed only in a general way, except that he was very much depressed and his general impression was that it was a flare up and in his own opinion, if I might add that, they had no occasion to call for troops. The belief was the situation was well in hand.

Q. When did Colonel Hunter tell you that?

A. The beginning of the day, ~~wednesday~~, I believe.

Q. Did Colonel Hunter tell you he was officing at Greater Marion Office?

A. Yes, sir.

Q. Did he tell you about a 3 o'clock call?

A. No, sir.

Q. Did he mention anything about telephone calls at all?

A. No, sir.

Q. So after all there was not anything said to you about telephone calls by Colonel Hunter?

A. He did not say anything.

Q. So he did not tell you he called Gene al Black and said: Do not send troops or to send troops?

A. He said nothing on the topic at all.

FURTHER EXAMINATION BY MR. RICE:

Q. You say you were there at the direction of whom?

A. The Division Commander.

Q. Who was that?

A. Milton J. Foreman.

Q. And you got to Marion at what time?

A. At Carbondale at approximately 4:30 in the morning.

Q. Did you go any nearer than Carbondale?

A. Colonel Hunter met us there and we had two or three automobiles and we went from there to Herrin and to the mine and after interrogating several citizens of Herrin went to Marion.

Q. Did Colonel Hunter go with you to the mine?

A. Yes, sir, he was in the party all the time.

Q. You say you had a meeting of the committee, a conference?

A. Yes, sir.

Q. Where was it held?

A. One at Herrin and one at Marion.

Q. Did you have various citizens in the vicinity there before your committee?

A. Yes, sir.

Q. Did you interrogate these citizens?

A. The Chairman of the Board did, yes, sir.

Q. And at the time this was being done, was Colonel Hunter present?

A. I believe he was present most of the time because he brought in several citizens.

Q. I am not asking what you believe. I am asking if he was there?

A. He was.

Q. In which place was he?

A. Both at Herrin and at Marion.

Q. What time of the day did you hold the meeting in Marion?

A. Approximately 1:30 or 2 o'clock.

Q. How long was the meeting in session?

A. About 2½ or 3 hours.

Q. What persons did you interview in that meeting?

A. The Sheriff, State's Attorney, a gentleman representing a paper, in fact two gentlemen representing papers, Mr. Edgington and a merchant.

Q. You ^{were -ed}ask the impression as to the conditions. Did you have have Colonel Hunter on the witness stand at either of those meetings?

A. No, sir.

Q. No, then, you say you talked with Colonel Hunter as an individual member of the committee about this matter.

A. I did not mean to say that as an individual. It was just from time to time as we brought up one witness or through the conference inference I got from his talk.

Q. From whom?

A. Colonel Hunter.

Q. Where did you have this talk with Hunter?

A. One at Herrin in the hotel and one at Marion.

Q. That is just casual talk. You did not call Hunter before your committee?

A. I was not the chairman, sir.

Q. Then what you did was not as an investigating committee but as an individual?

A. We were instructed to get what information we could as individuals to help us in making a report.

Q. So that you did make a report as an individual whether other members of the committee knew anything about it or not?

A. No, sir, we got information and then reported it as a whole.

Q. You went around then, each one individually, stirring up what you could find out and then you all came together and threw it into a hodge-podge, your individual impressions?

A. No, sir, that is not the way we did it. At Herrin we got the information that way but at Marion we sat as a body.

Q. So that is the way your investigation committee as individuals inquired and then throw in your individual impressions?

A. Not at Marion.

Q. At the other place then?

A. Well, we did get information from citizens individually.

Q. Then Colonel Hunter was not before your committee as an investigation by the committee as a whole?

A. No, sir.

Q. You say that Colonel told you he thought they had the matter well in hand, that is the reason they did not call for troops?

A. Yes, sir.

Q. When did he tell you he got that impression that the matter was well in hand?

A. He did not tell me he got that impression.

Q. Didn't he, in that conversation to you, tell you he had arranged a truce between the two sides and from that time on he considered he had the matter well in hand?

A. Yes, sir.

Q. That was the impression you got from all that Colonel Hunter said?

A. Yes, sir.

Q. Was that after he arranged the truce between the two warring factions he thought the matter so well in hand he thought troops were unnecessary?

A. Yes, sir.

Q. You gathered no impression as to his version prior to the time of the arrangement of the truce? I am asking whether you did or did not, Yes, or no?

A. No.

Q. So then all you had with regard to the impressions you gathered from Colonel Hunter's statements, your impressions were after he had arranged the truce he thought troops would not be necessary as explaining why he had not called for troops after that time, is that correct?

A. That was his statement, yes, sir.

FOURTH EXAMINATION BY MR. BRENNAN:
(Attorney for Colonel Hunter)

Q. Mr. Swanson, did your committee make any report of any kind written or otherwise?

A. By telephone.

Q. To whom did you make that report?

A. General Foreman made that report to the adjutant General.

Q. He is the man who brought you to this place?

A. Yes, sir.

Q. In that investigation you made, did you interrogate Mr. Edrington?

A. Yes, sir.

Q. In that talk you had with Captain Edrington, did he tell you anything about conversation calls, or any report that Colonel Hunter made?

A. He did not.

Q. In the report that Colonel Hunter made, do you know whether he incorporated any of those conversations that might have been told you by Captain Edrington?

MR. HOWE: (Attorney for General Black) I object. The witness probably does not know to what report you are referring.

MR. BRENNAN: The report Colonel ~~XXXXXXXXXX~~ Foreman made as Chairman of this Investigating Body of which Colonel Foreman was

Chairman:

A. The question is: Do you know--

Q. Do you know what the report was that was transmitted by Colonel Foreman to the Adjutant General Black?

A. Yes, sir, I do.

Q. What was that report?

A. It was a report based on our arrival and who we interrogated in Herrin and in Marion and our conclusion that troops were not then necessary.

Q. In your report you made the report that troops were not needed at that time?

A. After the massacre.

Q. Did you make any report or give any conclusions as to whether troops were needed before?

A. That is a broad question.

Q. Did they make any report of that kind?

A. I could not say.

Q. Are you sure there is no written report on file?

A. From whom?

Q. From the committee or any member of it?

A. I believe there is an abstract of what happened.

Q. Do you know whether there is or not?

A. I could not state positively.

Q. Did you ever see it?

A. In fact I helped General Foreman make up some report on it.

Q. When?

A. After the affair.

Q. Did you sign your name to it?

A. No, sir.

Q. Was any name signed to it?

A. None in my presence.

Q. Who was that transmitted to?

A. The Adjutant General.

MR. RICE: One moment, you saw the Sheriff at the time you were

there on the 24th of June, on Saturday?

A. Yes, sir.

Q. Did you get from him the information that he had sent a telegram to the Governor that he had the matter well in hand with some 25 or 50 deputies sworn in?

A. Yes, sir.

Q. You knew before you went there on the 24th that there had been some troops mobilized on the 23rd ready to be sent to Marion?

A. Yes, sir.

Q. And that these troops were being held in readiness to be sent to Marion and at Herrin if conditions necessitated?

A. Yes, sir.

Q. And the object of your investigation was for the purpose of determining whether it was then necessary to bring the troops here?

A. Yes, sir.

MR. BRENNAN: Is it not true that General Foreman reported that the military men of the state who were on the ground had done their full duty?

A. Well, I don't happen to recall that.

Q. Will you say that is true or not true?

A. I will say frankly, I do not know.

MR. HOWE: Mr. Brennan asked you regarding a certain memorandum that had been prepared by General Foreman and yourself. That memorandum has been introduced before this committee in evidence and I would like to ask the committee if I might have it and have the witness identify it?

CHAIRMAN: Will you just look that over, Colonel and identify it?

(Hands document to witness)

A. I recognize it.

MR. HOWE: I will offer that in evidence if the Chairman thinks it is appropriate at this time.

CHAIRMAN: The report will be admitted in evidence and made a part of the record of this date and it will be marked "Exhibit A of

May 14th, 1923.

MR. BRENNAN: Just to refresh your memory on a question in this report (reading from report)

"General Black: In your opinion ~~was there any reason~~ has everything been done by the state that could be done to forestall any of this trouble?

"General Foreman: Yes, sir. It is the opinion of the Board that it could not have been anticipated."

Now will you answer that question in the affirmative?

A. Yes, sir.

CHAIRMAN: That is all.

F. W. KELLY

having been first duly sworn, was examined in chief by
Chairman McCarthy and testified as follows:

Q. State your name, please?

A. Fred W. Kelly.

Q. Where do you live?

A. Decatur, Illinois.

Q. What is your business?

A. District Commercial Manager for the Illinois
Bell Telephone Company.

Q. Over what territory does your jurisdiction extend?

A. Since May 1st it includes Springfield. Before that
date I had charge of Decatur with the district running as far
north as Kankakee and Danville, but since May 1 I took over
Springfield and am living here, but I haven't moved my family
here yet.

Q. As such officer do you have access to the telephone
records of the telephone company in this district?

A. Yes sir.

Q. I will ask you, Mr. Kelly, if you have looked up
and can now furnish us any data relative to the telephone con-
versations on June 21 between Colonel Hunter at Marion, Illinois,
and General Black at Springfield, Illinois?

A. On June 21st - I don't know, I will have to refer to
the slips, as I am not familiar with these. We show a call
from Colonel Hunter to General Black on June 21st.

Q. At what time?

A. At 11:10 P.-M.

Q. What is the data that you are reading from?

A. This is the original ticket that we make for all
calls passed over long distance lines. These are tickets made
on each call as it goes out.

Q. Is that the ticket made in the usual course of your business?

A. It is the ticket that is our standard practice.

Q. Have you any other calls on that date?

A. That is the only one that I have here on that date.

(Compared copy with original and said it was an exact duplicate.)

Q. What other calls have you between those two gentlemen?

A. I found two tickets of June 22nd, going from General Black to Colonel Hunter stamped June 22nd and charged to Capitol 1400. General Black calling Marion, Colonel S. M. Hunter at the Goodsell Hotel. That was at 9:25 A.M. Another ticket on the same day and another one from the same party General Black calling Colonel Hunter. The call was given us at 11:02. This call given at 9:25 was completed at 10:18; the one given at 11:02 was talked on at 11:31.

FURTHER EXAMINATION BY MR. RICE:

Q. You say this ticket that bears the date June 21, 1922, is the record of a call at 11:00 P.M.,

A. Yes, sir. We received it at the recording desk. It was passed at 11:04, called on at - cleared the line at 11:04.

Q. No. 599, appearing on the ticket, is the phone number at Marion?

A. Yes, sir.

Q. You have in your possession just this one record of calls on June 21st between these parties?

A. As far as I know, yes, sir.

Q. If there were other tickets showing calls on that day from that office in the course of the business management of your office would they also be in your possession?

A. Not generally, no, sir. For some reason, I don't know why, these tickets have been held since June 22, 1922.

Ordinarily these tickets would have been destroyed, if we had followed our general practice.

Q. I don't care anything about June 22. If there are original tickets still on file at Marion, showing several other calls, between these parties, can you explain why there is no record in your office?

A. We only make one ticket on toll calls and that ticket is always held at the office where the call originates and is to be collected for. This was sent to Springfield from Marion and held in the file against Capitol 1400. If Marion should have other tickets on that date, that were paid for at Marion, Springfield would have no record of it.

Q. Now then, the collections were made and the bills for the collections are made out at Springfield at the end of the month?

A. For that business that is chargeable against a subscriber of the Springfield exchange.

Q. So this particular ticket is for a call from Springfield to Marion?

A. It came as a collect message from Marion to Springfield.

Q. And was made out at Marion and sent to Springfield for collection?

A. No, sir, this ticket was made at Murphysboro. Murphysboro is the toll center or switching station for Marion, for business charged against Marion. This ticket was made at Murphysboro for Marion, sent to us as a collect message because we collected charges against General Black or Capitol 1400.

Q. If there were telephone messages between these same parties on the 21st, that were paid for by Colonel Hunter there at Marion, they would not be sent here?

A. No, sir.

Q. But this appears to be a message from Colonel Hunter to General Black that Colonel Hunter didn't pay for?

A. That was sent on to Murphysboro and then to Springfield.

Q. And then to Springfield?

A. That is not quite right. Murphysboro is the toll center and does the checking and reporting for Marion, as well as they do other little towns. To explain, Springfield is toll center for all towns around here like Auburn and Pleasant Plains. If, say this morning, Pleasant Plains had a call going to Chicago, Springfield would make an entry of that call -

Q. In the ordinary course of the business, would the office at Marion have a record of this ticket?

A. Now, I couldn't say as to that, but under the ordinary rules of operating small exchanges, I doubt it. Yet we have some small exchanges that make a ticket for everything that goes in or out. I am not able to say what their custom is for Marion. Marion is independently operated from our company and I couldn't say what their custom is.

Q. You are unable, from the method and manner of keeping these records, to give any explanation why three other calls at Marion by Colonel Hunter to General Black were fully recorded at Marion but this 11:00 o'clock P.M. call was not?

A. Only that I would infer that those messages were sent to be charged at Marion and they merely came through as party calling someone at Springfield and in that way Springfield was not interested except to get the connection completed.

Q. You can give no explanation why, but this particular call at 11:00 o'clock there is no record there for it?

A. None at Marion other than a collect message and the charge was to be made here and the ticket was to be charged at Springfield and we got the ticket.

Q. The only thing I am interested in is that I am trying to arrive at the fact for the reason why three messages on that date, and of which he testifies, shows in the records there, and yet this one does not show. You can't enlighten me?

A. No, sir, I can not.

MR. HOWE: Do you know whether you have any other slips of other dates of similar conversations between General Black and Colonel Hunter?

A. I couldn't say, Mr. Howe.

CHAIRMAN MC CARTHY: You have these slips because these were the ones you were requested to look up?

A. Yes, sir, I haven't gone through the tickets.

MR. HOWE: I hand you a list of calls between General Black and Colonel Hunter, or vice versa, and would ask you to make investigation of the other tickets in your office, if you have any, and bring them later in the day. The reason these particular ones are introduced I asked that they be introduced. I will now ask the witness to return to his office and furnish the records of all other conversations.

CHAIRMAN MC CARTHY: I will ask the witness if he would be able to produce this information.

A. I will make search for them but whether these are available, I am unable to say.

CHAIRMAN: Any questions?

MR. BRENNAN: May I ask you to look at this ticket and tell this committee where that ticket has been from the time it was first made out?

(Hands witness original ticket of 11:00 o'clock call)

A. I couldn't say. I found these tickets here in a desk that came over to me when I came to Springfield.

MR. BRENNAN: You took this office when with reference to the date of that ticket?

A. I actually took possession of the office on the 16th day of April, 1923.

MR. BRENNAN: That is seven or eight months after this ticket was made out?

A. Yes, sir.

MR. BRENNAN: Do you know whose handwriting this is?

A. No, sir.

MR. BRENNAN: Do you know that ticket is correct of your own personal knowledge?

A. No, sir, I don't.

MR. BRENNAN: So if that ticket was lodged in there or placed in there by somebody else, you do not know, other than it was in the office sometime after you came in there?

A. Yes, sir.

MR. BRENNAN: Where should that ticket be in the regular course of business?

A. They are filed in cartons especially prepared for that purpose.

MR. BRENNAN: Is it not the practice of your office to destroy tickets six months after they are made?

A. Yes, sir.

MR. BRENNAN: Can you tell this committee why this is in evidence after six months have elapsed?

A. No, sir.

MR. BRENNAN: In your opinion, the only reason that ticket was in your office instead of Marion is that it is a collect ticket?

A. Yes, sir. A collect message should be filed at the point of destination.

MR. BRENNAN: What would you say, sir, if there were three others and they were all collect the same as that one is? What would you say about the reason this ticket should be here and the other tickets should not be?

A. I couldn't tell you.

MR. BRENNAN: Wouldn't it seem to you a rather peculiar transaction, as a business man, that one ticket should be here and the other tickets should not be?

A. If we had the one we should have the others.

MR. BRENNAN: If at Marion Illinois, where all the calls were sent out on collect messages and there is no question all of the tickets were sent - That being true and all other tickets were down there with the exception of this one, what

reason would you give?

A. I don't know.

MR. BRENNAN: You say you haven't been asked to make a search for the other tickets?

A. Logged if I know. I come in there and among all the other troubles they said "Here's some State House matters and they are going to call up these tickets again." I said, "If they are going to want them they will have to subpoena me to get them."

MR. BRENNAN: Who handed them to you?

A. One of the clerks handed them to me and said, "These tickets are in question."

MR. BRENNAN: You didn't make any search for the other tickets?

A. Absolutely not.

MR. BRENNAN: As a man connected with the company, can you give any reason why this particular ticket isn't found at Marion?

MR. HOWE: I object. The witness says he has -

MR. BRENNAN: I am asking why the difference, why the variance would be at Marion, Illinois.

A. There shouldn't be any difference if those were all collect tickets coming from Marion through Murphysboro.

MR. BRENNAN: If at Marion, Ill., there were three calls shown there on the same day, other than this one, and all sent by this party to the same party, wouldn't it be your judgment that the proper place for this one to be would be with the other three. Wouldn't you say the records at Marion, under those circumstances, would be probably correct?

A. I would assume they were.

MR. BRENNAN: Would there be any reason why they wouldn't be correct? Have you any reason of your own knowledge why all the tickets from the same party to the same party should not be together? Can you give an explanation why the difference?

A. No, sir.

MR. BRENNAN: In your judgement, wouldn't you say the records at Marion, where the calls came from, were correct?

A. I would assume that - not knowing anything about their business, I would assume that they were correct.

MR. BRENNAN: Do you know whether or not this original ticket has been in your office for over one month?

A. I am satisfied of that.

MR. BRENNAN: Do you know? Do you know anything about it?

A. I couldn't say more than it has been ~~at~~ there since I came.

MR. BRENNAN: When did you first see this ticket?

A. About three weeks ago.

MR. BRENNAN: Where has it been since you first saw it?

A. In my desk.

MR. BRENNAN: Isn't it true there has been a great deal of investigation over there by members of the State?

A. ~~Not to my knowledge.~~ Not to my knowledge.

MR. HOWE: I am again asking the witness if he will make search for other tickets and produce them this afternoon, with copies of them?

A. I will.

MR. BRENNAN: On this original ticket, just state where, at what telephone at Marion that call was placed from?

A. It looks like 539 to me.

MR. BRENNAN: That is Marion?

A. Yes, sir.

MR. BACKER: These tickets are tickets made out at Murphysboro?

A. This one on the 31st only.

MR. BACKER: There would be no tickets ^{from} ~~at~~ the Marion office except the tickets the Marion office makes for its own records?

A. No, sir.

MR. BACKER: The Marion office is a separate company?

A. Yes, sir.

MR. BRENNAN: This ticket was not made in Springfield, is it?

OR DATE	OUT		NOTE IF COLLECT
SPEC. INST.	NO	APT M R	
FILED TIME	DRUNK	POSITION	
11:00 AM			
PLACE	FROM	STATE	
Marion Ill			
TEL. NO.			
	597		
PERSON	Capt. Zant		
PLACE	TO	STATE	
Springfield, Ill			
TEL. NO.			
	Cap. 3045		
PERSON	Gen. Black. X		
DIRE OR ADDRESS			
REPORT AS BUSINESS OF			
RECEIVED	11:00	3	MINUTES
RECORDED		THIS LINE 1.25	
PAGES	4	OTHER LINE	
OPERATOR		MESSAGE	
CHARGE		TELEGRAM	
DUPLICATE			

one who made the
be to get the/ticket the original. That would be the best evidence.

CHAIRMAN: I understand that, Mr. Brennan. I would like to have them if it is possible to get them. Now, I want to state for the record that I have made out a copy of that 11 o'clock telephone call on the evening of the 21st, being an exact copy of the original produced by this witness and which is offered in the record by Mr. Lowe and marked Exhibit C of May 14, 1923 and will be admitted in lieu of the original.

WITNESS: The said ticket was duly marked Exhibit C of May 14, 1923 and made a part of the record.

MR. HOE: In order to expedite matters, I would like to ask permission to introduce into the record, copies of the official records of the State of Illinois as to the military record of the Adjutant General Black and Colonel Hunter. Might I read them into the record?

(Chairman examines records)

I will say to you, Mr. Chairman, if the committee desires to go to the expense of bringing the operator from Murphysboro who completed the calls, we are willing to produce her. We could not produce the witness today but we can have her here at the next meeting.

CHAIRMAN: I will say this, for the benefit of anybody interested. If there are any witnesses that you wish to have subpoenaed, we would like to have them now so that we can close the hearings. We have only a short time left and I am going to continue over until 1 o'clock tomorrow afternoon with the hope that the witnesses from Williamson County will be here at that time.

MR. BRENNAN: As far as I am concerned I will not have any to offer.

MR. HOE: In that case I would like the Committee to issue a subpoena for the telephone operator at Murphysboro who made the original slip that has been identified and offered in evidence and who, also, made other slips that have been offered in evidence. If I thought the Committee would take the office's original records without any identification, but if the identification is at all appurtenant, we will produce the operator.

937 CHAIRMAN: The Committee is adjourned until 1 o'clock tomorrow.

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES
HERRIN INVESTIGATION COMMITTEE

MISS MARTHA L. PENN

HARRY E. JEFFRIES

Springfield, Illinois.
May 14, 1923

Present: Frank A. McCarthy - Chairman.

Thomas Francis Howe -and
W. L. Backer, Attorneys for Adjutant General.

MISS MARTHA L. PENN

having been first duly sworn, was examined in chief by
Chairman McCarthy, and testified as follows:

Q. Will you state your name?

A. Miss Martha L. Penn.

Q. Where do you live?

A. 603 West Lawrence Ave.

Q. In Springfield?

A. In Springfield, Illinois.

Q. What position do you hold with the State of Illinois?

A. Clerk in the Adjutant General's Office.

Q. How long have you held that position?

A. Since 1905.

Q. Have you in that department the records of the
different men connected with the military forces of the State
of Illinois?

A. Yes, sir.

Q. Have you records there of Carlos E. Black, The Adjutant
General?

A. Yes, sir.

Q. I hand you Exhibit D of May 14 and ask you if you
know what that is?

(Exhibit D examined by Miss Penn)

A. Yes, sir. It is our service record of Carlos E.
Black. I compared it myself with the original on file.

Q. What is it prepared from?

A. From his military record as filed in his office
when he accepted his office as Adjutant General.

Q. That is a true and exact copy of the records as they
exist in your office today?

A. Yes, sir, I checked them over very carefully.

Q. I will hand you Exhibit E of May 14 and ask you if it is the service record of Colonel Hunter?

A. Yes, sir, I prepared this.

(Exhibit E examined by Miss Penn)

Q. From what did you prepare that?

A. This record was prepared from his acceptance of the commission that he now holds as colonel of the Administrative Staff.

Q. Where are those records kept?

A. In the files in the Adjutant General's office.

Q. And Exhibit E that you now hold is a true and exact copy of those records prepared by you?

A. Yes, sir.

MR. HOWE: Will you state, Miss Penn, who prepared the original records now on file in the Adjutant General's office relative to these two men?

A. Those records are prepared by the man himself when he accepts a commission.

MR. HOWE: And signed by him?

A. Yes, and signed by him.

THAT IS ALL.

HARRY E. JEFFRIES

having been first duly sworn, was examined in chief by Chairman McCarthy, and testified as follows:

Q. Will you state your name?

A. Harry E. Jeffries.

Q. And where do you live?

A. 1418 Whitier Ave., Springfield.

Q. And what is your present business or occupation?

A. I am employed as chief clerk in the office of the District Commercial Manager, Springfield District of the Illinois Bell Telephone Co.

Q. How long have you held that position?

A. Since August 1920.

Q. As such officer, do you have charge of and access to the records of the telephone calls, both outgoing and incoming from Springfield?

A. We have record of all outgoing calls and all incoming calls that are collect or reverse messages, originating somewhere else but payable here.

Q. I will ask you ~~to~~ if you checked this list of calls made between General Black and Colonel Hunter on the dates of June 21 and 22, 1922?

A. Yes, sir. We have the original record of those calls.

Q. And are the slips which you hold in your hand and which are marked Exhibit "F" of May 14, all of the calls with the exception of the 11:00 o'clock call on the evening June 21st, that you have in your office, so far as your records show?

A. Yes, sir.

Q. Those are all of the calls, with the exception of the 11:00 o'clock call which we already have in the record here?

A. Yes, sir.

MR. HOWE: Where have the originals of these slips been since the time they were made, Mr. Jeffries?

A. They were made and forwarded to the Division Auditor of Receipts, Springfield, and on the first of the following month were forwarded to the District Commercial Manager to be kept in his files.

MR. HOWE: Have you charge of those files?

A. I have.

MR. HOWE: Have they been in the files ever since?

A. They have.

MR. HOWE: What is the custom relative to the destruction of these slips.

A. They are taken out and destroyed once a year, usually in the month of May.

MR. BACKER: I would suggest that you introduce in evidence that list of calls.

MR. HOWE: All right, I hand you what purports to be a list of calls between Capitol 1400 and various parties, giving list of calls made from June 19 to June 22, and ask you if it was prepared in your office and is a correct list of the calls?

A. Yes, sir.

MR. HOWE: I will offer that in evidence. The paper you refer to is a paper marked "Exhibit G of May 14, 1923?"

A. Yes, sir.

MR. HOWE: That is all so far as I am concerned.

CHAIRMAN: "Exhibit F of May 14" consisting of five duplicates of telephone calls, is admitted in evidence, together with Exhibit G of the same date.

THAT IS ALL.

IN DATE **June 21, 1922** OUT **AT&T** NOTE IF COLLECT

SPEC. INST. **310** M G APT **281**

FLYING TIME **310** THUNK **FROM** POSITION **SPRINGFIELD, ILL.**

PLACE **Marion** STATE **ILL.**

TEL. NO. **599**

PERSON **Hunter**

PLACE **TO** STATE **ILL.**

TEL. NO. **Cap 1400**

PERSON **Gen Black**

FIRM OR ADDRESS

IN DATE **June 21, 1922** OUT **AT&T** NOTE IF COLLECT

SPEC. INST. **6175** M G APT **599**

FLYING TIME **6175** THUNK **FROM** POSITION **SPRINGFIELD, ILL.**

PLACE **Marion** STATE **ILL.**

TEL. NO. **599**

PERSON **Hunter**

PLACE **TO** STATE **ILL.**

TEL. NO. **Cap 1400**

PERSON **Gen Black**

FIRM OR ADDRESS

IN DATE **June 21** OUT **AT&T** NOTE IF COLLECT

SPEC. INST. **1255** M G APT **599**

FLYING TIME **1255** THUNK **FROM** POSITION **SPRINGFIELD, ILL.**

PLACE **Marion** STATE **ILL.**

TEL. NO. **599**

PERSON **Hunter**

PLACE **TO** STATE **ILL.**

TEL. NO. **Cap 1400**

PERSON **Gen Black**

FIRM OR ADDRESS **Murphyboro**

REPORT AS BUSINESS OF **4** MINUTES

RECEIVED **13** M **4** MINUTES

RECORDED **3** THIS LINE **165**

PASSED **16** OTHER LINE

OPERATOR **3** MESSENGER

CHARGE QUOTED TELEGRAM

REPORT AS BUSINESS OF **5** MINUTES

RECEIVED **20** M **5** MINUTES

RECORDED **12** THIS LINE **205**

PASSED **30** OTHER LINE

OPERATOR **12** MESSENGER

CHARGE QUOTED TELEGRAM

REPORT AS BUSINESS OF **3** MINUTES

RECEIVED **28** M **3** MINUTES

RECORDED **28** THIS LINE **125**

PASSED **28** OTHER LINE

OPERATOR **28** MESSENGER

CHARGE QUOTED TELEGRAM

IN DATE **June 22, 1922** OUT **AT&T** NOTE IF COLLECT

SPEC. INST. **9.25a** M G APT **LD**

FLYING TIME **9.25a** THUNK **FROM** POSITION **SPRINGFIELD, ILL.**

PLACE **Marion** STATE **ILL.**

TEL. NO. **Cap 1400 Ext 67**

PERSON **Gen Black**

PLACE **TO** STATE **ILL.**

TEL. NO. **Marion**

PERSON **Col F. M. Hunter**

FIRM OR ADDRESS **Goodell Hotel**

IN DATE **June 22, 1922** OUT **AT&T** NOTE IF COLLECT

SPEC. INST. **11.02a** M G APT **LD**

FLYING TIME **11.02a** THUNK **FROM** POSITION **SPRINGFIELD, ILL.**

PLACE **Marion** STATE **ILL.**

TEL. NO. **Cap 1400 Ext 67**

PERSON **General Black**

PLACE **TO** STATE **ILL.**

TEL. NO. **Marion**

PERSON **Col. Sam Hunter**

FIRM OR ADDRESS **Goodell Hotel**

REPORT AS BUSINESS OF **4** MINUTES

RECEIVED **9.25a** M **4** MINUTES

RECORDED **6** THIS LINE **165**

PASSED **10.15a** OTHER LINE

OPERATOR **17** MESSENGER

CHARGE QUOTED TELEGRAM

REPORT AS BUSINESS OF **3** MINUTES

RECEIVED **9.25a** M **3** MINUTES

RECORDED **20** THIS LINE **125**

PASSED **31** OTHER LINE

OPERATOR **23** MESSENGER

CHARGE QUOTED TELEGRAM

ILLINOIS BELL TELEPHONE COMPANY

Exhibit G 4
May 14 1923

Capitol 1400

<u>Date</u>	<u>Party Calling</u>	<u>Party Called</u>	<u>Destination</u>	<u>Time</u>
June 19, 1922	Hunter	Gen. Black	Marion	11:00 A.M.
" 19, 1922	"	" "	"	6:05 P.M.
" 20, 1922	"	" "	"	7:35 P.M.
" 21, 1922	"	" "	"	12:55 A.M.
" 21, 1922	"	" "	"	3:10 P.M.
" 21, 1922	Gen. Black	Capt. Brown	Mt. Vernon	5:02 P.M.
" 21, 1922	" "	Maj. Davis	Carbondale	5:08 P.M.
" 21, 1922	" "	Fisherwood	Cairo	5:12 P.M.
" 21, 1922	" "	Capt. McLaoken	Salem	5:27 P.M.
" 21, 1922	Hunter	Gen. Black	Marion	6:17 P.M.
" 22, 1922	Gen. Black	Hunter	Marion	10:15 A.M.
" 22, 1922	Gen. Black	Hunter	Marion	11:02 A.M.
" 22, 1922	Hunter	Gen. Black	Marion	5:41 P.M.
" 21, 1922	Hunter	Gen. Black	Marion	11:04 P.M.
" 22, 1922	Gen. Black	Robt. Medill	Herrin	7:46 P.M.